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Only 475 Copies printed.

No. 459

Aberdeen (Co.) Sheriff Court

Records

of the

Sheriff Court of Aberdeenshire

Edited by

David Littlejohn, LL.D.

Advocate in Aberdeen

Sheriff Clerk of Aberdeenshire

Vol. III.

Records, 1642-1660

with Supplementary Lists of Officials, 1660-1907

and Index to Volumes I., II., III.

Aberdeen

Printed for the New Spalding Club

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Preface

To the Tables of Contents, Extracts and Notes on Officials previous to 1660, for which space could not be found in Vol. II., there has been added, at the suggestion of the Secretary of the Club, a Supplementary List of Officials down to the present date. In compiling that List, more especially in those portions dealing with the second half of the 17th century, the Editor had valuable help from Dr. J. Maitland Thomson, Advocate, late Curator of the Historical Department of H.M. Register House, which he welcomes this opportunity to thankfully acknowledge.

The exceptionally laborious task of preparing the Index to all three volumes, which forms the greater part of the present volume, has been entrusted to Miss Jean E. Kennedy. The admirable manner in which she did similar work for the volume, issued by the Club, relating to the Scots Colleges, and for Mr. P. J. Anderson's recent "Quatercentenary Studies," may be taken as a guarantee for the completeness, accuracy and reliability of her contribution to the present work.

To Messrs. Taylor & Henderson, the Printers of these volumes, the Editor gives most hearty thanks. The beauty and excellence of the printing speak for themselves, but only the writer can speak of the painstaking skill in proof reading, and of the unvarying courtesy and kindly patience which he has at all times experienced at their hands, and which he will ever gratefully remember.

D. L.

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General Introduction

Any interest which the Tables of Contents and Extracts, contained in the following pages, may have for the general reader, must centre mainly round the picture which is there to be found, of legal administration in the County of Aberdeen, under the Commonwealth and Protectorate.

When the English Parliamentary Government found itself firmly seated in Scotland, one of its first steps was to appoint Commissioners for ordering and managing affairs in Scotland. This body was styled "The Commissioners of the Parliament of the Commonwealth of Ingland for ordoring and managing effairs in Scotland." Somewhat later, we find another set of Commissioners spoken of as more specially charged with judicial administration, under the title of "Commissioners for adminestratione of Justice to the peopill in Scotland."

Although the English forces were in possession of Edinburgh in 1650, it was not until early in September of the following year that Aberdeen was occupied. Of their presence there the Books of Court contain no direct evidence until the month of May, 1652, and it is quite clear that no interference with, or interruption of, the ordinary work of the Sheriff Court, on the Civil side, took place until towards the end of February of that year. It is more than likely, however, that at their first coming, the officers of the Parliamentary Army took charge of the criminal work of the County, as they are said to have done in other places.[1]

[1] On 17 March, 1654, a decree was pronounced in the Sheriff Court at Aberdeen, in which the ownership of a horse, alleged to have been dishonestly come by, was held to have been previously decided by the Deputy Governor of Leith and some other officers of that garrison, whose "Testificat" was held by the Sheriff to be binding on him.

From February until May none of the different Books contain any entries, and it may be surmised, that during that period the sittings of the Court were suspended to await instructions from headquarters. These instructions, which were placed on record in the Books, as part of the proceedings on 26 May, 1652 (p. 73), and the Commissions, which were recorded along with them, are full of interest.

Except in one very important, and in one minor particular, the attitude of the Commissioners towards the administration of the law was conservative.

The abolition of the Commissary Court, as a separate judicatory, and its incorporation with the Sheriff Court, must have appeared a very drastic step to Scotsmen of those days; but to the Puritans its existence doubtless seemed a natural step in the process of breaking the ecclesiastical yoke, which they had been striving to throw off. What they did in that matter was only one of many examples of their prescience, but nearly two centuries had to elapse before their successors were wise enough to follow their example.

The smaller change which they made, was in the disuse of the Latin tongue, for which the vernacular was substituted about the middle of June, 1652. In that also their action has been endorsed by later generations.

Judging from contemporary accounts, it was apparently at one time in the minds of those who controlled the Parliament of the Commonwealth, to treat Scotland as a conquered country, and to impose upon it wholesale, the legal system and practice of England, but other and more moderate counsels prevailed. Instead of abolishing the existing law of Scotland, it was resolved to conserve it by strengthening its administration. In his memoir of the 1st Lord Stair, the learned author, Mr. Æneas

Mackay, notes with regard to the Court of Session previous to the advent of the Commonwealth, that "its judges were accused, with good cause, of arbitrariness, partiality and bribery," and it was undoubtedly the case that, speaking generally, all Courts of Law had in a measure ceased to command the confidence of the community. In these circumstances what was needed was just the thorough-going straightforwardness and force which was one of the leading characteristics of the Ironsides.

In Edinburgh the Supreme Court was reconstituted, the bench consisting of four English and three Scottish lawyers.

In Aberdeenshire a soldier was set over and alongside of the sitting judge ordinary, who had already considerable experience of the work, and some of the results of this reinforcement of the bench and legal executive will now be glanced at.

It would almost appear that before the English forces came North, attempts were being made by the authorities to strengthen the arm of the law. The appointments of Sheriff Officers, beginning in 1649, and becoming fairly numerous in 1650-1, may be interpreted to indicate something of this kind. The example given (p. 65) of the admission of one James Mill, on 11 June, 1652, is (except as regards the Tender of Union) in precisely the same terms as all these Acts of Admission previous to 1653, and in common with them, refers to "Instructions insert in this Book." As a matter of fact, no such Instructions are found in that book at that time, but several blank pages occur near the end of 1649, just before the admissions became comparatively frequent. In 1653, there is a reference in one of these Acts of Court to "Injunctions" for Sheriff Officers, and in all of them after that year, the language used slightly differs from what is found in those of earlier date. The writer is therefore inclined to think that the document entitled "Injunctions for Shirreffs Officiars of

the Shirreffdome of Abd." (p. 63), which occurs in the original between entries of November and December, 1656, but without any preamble or explanatory statement, took the shape in which it is found, some little time after Col. Ashfeild became Sheriff, as well as Governor, of Aberdeen. It needs no more than a cursory perusal of these "Injunctions" to show how much the strong arm was needed. The slaughters, thefts, riots, oppressions, bloodshed and other crimes, which were occurring, were not only not reported by the officers of the law; but those whose duty it was to report them, were accepting hush money to conceal them. More than that, officers of the law, for the purpose of gratifying the malice of themselves or their employers, or with the object of extortion or blackmail, were in use to issue summonses and lay on arrestments, in name of the law, but really by the use of false and pretended, possibly forged, warrants and precepts. Such was the state of matters which the provisions in the "Injunctions" obviously suggest, and which they were intended and well calculated to remedy. For be it noted, that as a result of the steps thus taken, and before the reign of the Commonwealth and Protectorate took end, there was in almost every parish of Aberdeenshire, an officer of the law with these "Injunctions" in his hands, or in other words the County was fully policed.[1]

There may be noticed here in passing, as a legal curiosity, the provision that crime should be reported to the Sheriff Clerk and not to the Procurator Fiscal. Of this, various explanations might be given; but a probable one is that the Sheriff was still recognised as the prosecutor of crime, and that the duties of the Sheriff's Procurator (the Fiscal) did not come into play until

[1] It would appear that when the strong hand was removed, there was a gradual relapse, so that in 1733 Wm. Forbes, the Sheriff Depute, was obliged to issue a set of Regulations for Sheriff Officers, with a view to put a stop to the evils then prevailing.

after the prosecution had been initiated and brought into Court by the Sheriff, through the Sheriff Clerk.[1]

So much for the steps which were taken to strengthen and purify the execution of the law.

But what of the administration of justice in the ordinary Court in civil causes? Does evidence exist of increased confidence in them, or resort to them? How does the volume of business compare during the period in question with other similar periods of time? The answers to these questions had to be sought for in the very voluminous Decree Books of the period, which it has been found quite impossible to deal with in this work; but to which it is necessary to refer in general terms in this place.

On turning to these we find confirmation of the statements of contemporary observers, that the impartiality of the Judges, and prompt despatch of business in the Scottish Courts, so attracted claimants and distressed debtors, as to be one of the contributing causes of the Glencairn rising in 1652-4. Comparison has been made between the number of Aberdeenshire decrees recorded for 16 years preceding March, 1652, and the number for seven-and-a half years after that date, with the result that the number for the shorter period has been found to exceed that for the longer by almost two to one. Arrears which had been accumulating during the disturbed years of the "troubles" would doubtless be responsible for some increase, but after making every allowance, and without attaching undue importance to statistics, it cannot but be allowed that much of the increase must be attributed to a growth of confidence on the part of the public, inspired by increased efficiency in the administration of justice.

Although Col. Ashfeild did not remain long in Aberdeen,

[1] Reference is made to the Introduction to Vol. I., pp. xliv-vi.

there does not seem to have been any falling off in the despatch of business, during the subsequent years of the Commonwealth and Protectorate, when Forbes of Echt was Sheriff Principal.

There are extremely few examples of criminal business in the pages that follow, but those that occurred after 1651 are not devoid of interesting features. There is in them some corroboration of contemporary statements that the Courts were, at that time, more merciful than they had formerly been. Not only has no capital sentence been found in cases where both before and after the period in question, the death penalty would have followed, but we find (p. 62) convicted prisoners acknowledging the moderation and clemency with which they had been treated.

One noteworthy deviation from use and wont in the Sheriff Court will be observed in the sentences of banishment. Formerly the criminal was banished from the Sheriffdom, which in the case of Aberdeenshire generally meant that he or she was packed off by way of the Bridge of Dee into the neighbouring County of Kincardine. The Sheriffs of the Commonwealth and Protectorate, however, assumed the right to send the accused into foreign exile, the sentences being in some cases banishment from the "Isle of Britane," and in one case "forth of the three nations of England, Scotland and Ireland." In most cases the punishment of death without further trial was the penalty attached to failure to obtemper the order. In the case of Bell (pp. 61-2) where the banishment was only from Aberdeenshire and Banffshire, there is an approach to the modern provision requiring that convicts on ticket of leave should keep the authorities advised of their whereabouts, with the object of securing their efficient supervision by the police.

It was not to be expected that the new comers would take over the judicial staff of the Sheriff Court exactly as they found

it, but they made wonderfully little change. As will be seen from the Commissions, and from the list of officials, no change was made except in the office of Sheriff Principal. It was natural, looking to the executive powers which were attached to the office, that for a time at least, the chief place should be filled by the representative of the Commonwealth, who had supreme charge of the district, and so Col. Ashfeild, whose authority extended to Banffshire also, was made Sheriff of the combined Counties. With him was associated Dr. Douglas of Macduff, who must have satisfied the Commissioners of his loyalty to the new regime. The conjunction of the counties (now an accomplished fact) seems at that time to have been of brief duration, there being no evidence of it in the appointments of the Sheriff and other officials in 1656.

As there was really little change in the personnel of the staff, so also there was almost none in their tenure of office. It will be recollected that Charles I. had succeeded in getting rid of the heritable Sheriffship in the County of Aberdeen, and had made the appointment a yearly one. It is true that he had gone back on that, by bestowing the office on the Earl Marischal for life; but then the Scottish Parliament (Vol. II. p. 530) had returned to the yearly system. In making appointments for limited periods, the English were only following previous practice, both Royal and Parliamentary.

One important restriction, the reason for which is easily understood, was put upon the executive power of the Sheriffs, inasmuch as they were forbidden to "raise leavy or array or cause to be raised or leavied any forces for or upone pretence of suppressing any insurrectiones rebelliones or treasonis without the warrant or particular directione of the Comander in Cheife in Scotland," and this restriction was repeated in the Lord Protector's Commissions to Forbes of Echt. The approval of the Commander

in Chief was, according to the terms of the Commission of Ashfeild and Douglas, also required to the appointment of Sheriff-Deputes, while in Forbes of Echt's Commission it was the Lord Protector's Council, whose approval was necessary. The appointment of Sheriff Clerk, which had been usurped by the heritable Sheriffs, was now finally resumed by the central authority.

On the other hand, in the matter of the qualifications for holding office of all persons of Scottish nationality, the requirments of the Commissioners were revolutionary. It was required of them that they should declare their consent to the incorporating union of Scotland with England under a Commonwealth, without a King or House of Lords, and that they should take a solemn oath to be faithful to the Commonwealth of England as then established.

It may be observed in this connection, that in none of the Books of the Sheriff Court of an earlier date than 1652, has there been found a trace of the administration of any oath to an official, about to enter upon office, except the judicial oath *de fideli administratione*. A new departure was thus made by the English Republicans, and since then the Sheriff Court Books present constant examples of the administration of oaths of allegiance, or of allegiance and abjuration, not only to officials of the Court, but to a great variety of individuals.

In Edinburgh many members of the faculty of Advocates refused to take the tender of Union, and withdrew from practice at the bar of the Court of Session, until there was a relaxation of this requirement, but there is no evidence in the volumes under review, that anything of the kind took place in Aberdeen. The dreadful state of poverty to which the country was reduced, induced men to cast about for any honest means of finding a livelihood, and it is not altogether surprising to find that those who

were in possession of offices, clung to them rather than court beggary, and that many were ready to accept any government rather than starve.

The precise date of the withdrawal of the Tender of Union is not found in these books, but it will be seen that the last Sheriff Officer, of whom it was required, was Alexander Anderson, in Kirkton of Skene, on 7 December, 1655 (p. 55), and that in the Commissions to the Sheriff and others in March, 1656 (pp. 78-80) no mention is made of it.

The straits to which many persons in a fairly good position were reduced, will be found touchingly illustrated in the applications of William Strachan's friends to have him appointed a Sheriff Officer (pp. 64-5). A[ndrew] Burnett of Sloui, the brother-in-law of the applicant, was a laird of some little importance, and his testimony and that of James Wight afford ample corroboration of statements to the same effect, in the accounts of the time.

The Supplementary List of Officials, added, as already mentioned, at the request of the Secretary of the Club, has been divided into two periods, the first from the Restoration to the date of the Act abolishing heritable jurisdictions, which followed the "45," and the second from that date to the present time.

PART I.

Records, 1642 to 1660

RECORDS OF THE SHERIFF COURT OF ABERDEENSHIRE

The Decree Books: Vol. VIII., 1642-9.

In none of the Sheriff Court Books is the effect of the "troubles" on legal business more obvious than in this. The marked falling off in Court work in 1639, has been alluded to in the prefatory note to Vol. VII. After the temporary settlement of public affairs which then took place, litigious business began to grow, and continued to increase during the years 1642-3: but something like complete paralysis seems to have followed, especially after the fight at Justice Mills in September, 1644. This will be at once seen from the following remarkable figures. Of some 260 folios or thereabout, of which the volume is made up, there were written upon in the

year	1642	about	76
In	1643	„	91
In	1644	„	23 (all before the month of August).
In	1645	„	12
In	1646	„	12
In	1647	„	10
In	1648	„	17
6 months of	1649	„	19

It is said that there were many legal professional men among the citizens who were killed at the Justice Mills—one of the Sheriffs Depute Mr. Robert Reid, certainly was. This might be held to open a door for an ingenious argument upon the causes of the cessation of litigation. To what extent was it the result of the general chaos in public affairs, how far was it due to the death of many leading citizens, and how far to the cutting off a considerable number of the limbs of the law? Probably different debating societies might take different views, and to such it must be left. To ordinary readers not inclined to argue, the figures will doubtless confirm what historians tell us, that at no period of its history did Aberdeen and Aberdeenshire suffer more than during "the troubles."

Table of Contents of Vol. VIII. of Decree Books

1642.

Jany. 12. **Removing.** Janet Leslie, widow of Alexr. Lyone of Muresk, as liferentrix of the third part of the lands *v.* Mr. James Gordoune in Chappeltoune, George Duguid in Comalegie, Wm. Allane at the Milne of Comalegie, John Catto in Boigis, Alexr. Thomsone in Thomastoun, George Dunn and others in Hilheid and Alexr. Gordoune, occupier of Broomhill, all in the Parish of Drumblait. Sasine dated 16 June, 1619. Notary George Cheyn.

Supplement. Rent. Catherine Body, widow of Thomas Muir, Skipper in Peterheid, and assignee of Alexr. Keithe of Balmuir *v.* Thomas Bodie in Balmuir, Gilbert Bodie in Blackhous and others. Authority was interponed to an Act of Court of the lands of Boddome and Blackhous, dated 17 Decr., 1639.

26. **Merchandise.** Leonard Leslie, burgess of Abd. *v.* George King in Auld Abd. £17 8/- with 30/- of expenses.

28. **Forthcoming.** David Rickart, burgess of Abd. *v.* Andrew Finie (Finny), bailzie in Pitterheid and John Irving of Bruklay for his interest. The Pursuer's claim against Irving was constituted by a Bond for 260 merks, dated 15 Decr., 1638, and registered in the Sheriff Court Books 21 June, 1641.

Price of a Horse. George Gordoune in Abd. *v.* David Walker in Mains of Eght. The price was £20. Expenses 40/-

Malt. George Aber in Abd. *v.* Robert Walker in Garlogie. £10 for malt, with 26/8 of expenses.

Feby. 9. **Loan.** Isobel Robertsone, widow and confirmed Executrix of Mr. Henry Buchan, burgess of Abd. *v.* George, Marqueis of Huntlie. The grounds of debt were (1) A Bond granted by the Defender, then Lord Gordone, as principal, and his late father as cautioner, dated 3 August, 1630, and registered in the Books of Council and Session 26 July, 1632, for 21,000 merks. The amount was made payable at the first term of Whitsunday or Martinmas after the late Marquis' death, with 5000 merks of penalty, and interest at the rate allowed by Act of Parliament (2) A Bond by Lord Gordone to pay interest at the rate of 2100 merks per annum, beginning at Martinmas, 1631, and continuing until the first term of Whitsunday or Martinmas after his father's death. At the date of Mr. Buchan's death, which occurred in January, 1635, nothing had been paid, neither had any payment been subsequently made. Decree accordingly passed in favour of the Executrix for the principal sum, liquidate penalty, and interest at ten per cent. since Whitsunday, 1631, until payment should be made. The confirmed Testament of the Pursuer's husband was dated 4 June, 1635. The decree contained the statement that the Defender had been summoned by a Sheriff Officer "personallie apprehendit."

Decree Books: Vol. VIII., Contents

1642.

Feby. 18. **Exhibition and Delivery.** Marjorie Erskine, daughter and heir or apparent heir to Wm. Erskine, burgess of Abd., and Alexr. Erskine of Barnes her Tutor *v.* Patrick Straquhan in Kinaddie. Decree for exhibition and delivery of a number of Bonds granted in favor of the Pursuer's father was pronounced. Letters of Tutory, dated 8 Decr., 1641, and a Receipt by the Defender for the Bonds in question, dated 22 June, 1639, were produced. The Defender was cited to give his oath of verity, but did not appear.

22. **Failure to enter on Lease.** Alexander, Lord of Pitsliggo, and Alexr. Forbes of Boynlie his Tutor *v.* Andrew Smith in Meikle Kowbourtie. The Defender had by Lease dated 19 February, 1641, bound himself as tenant of Littill Kowbourtie called Kowbourtie-Keith and Milne of Auchlin for five years from Whitsunday, 1641; but had failed to enter. He was now ordained to "enter home" and to pay the rent, &c.

23. **Failure to enter on Lease. Demolition of Buildings.** Patrick Urquhart of Lathintie *v.* (1) James Smith, sometime in Fingask, then in Kearnes of Methlick, who was ordained to pay the first half year's rent of a croft of the lands of Bogheid, of which he had taken a lease for five years from Whitsunday, 1641, and (2) Wm. Smith, sometime in Blachrie, then in Broomhills, who, according to the summons, had "demolishit ruinat and tuik doune ane fyre hous" and other buildings on Blachrie, upon which a value of upwards of £150 was put and £11 decerned for.

Bookseller's Account. Minister's Library. David Melwill, burgess of Abd. *v.* Mr. Andrew Logie, Persone of Raine. Mr. Logie had during the past six years purchased from the Pursuer books and stationery thus described: £13 6/8d. for "Damaceni Opera," £12 for "Jansenius in Evangelia," £12 for "Thomas Aquinas in Epistolis," £9 for "Alwaros de auxiliis gratiae," 20/- for "ane skin of parchement," and 32/- for "paper and sum small buikis." The Defender appeared and admitted the debt. Expenses £4,

Exhibition. Alexr. Keith of Mid Beltie *v.* Thomas Fraser in Mid Beltie. The Defender was ordained to produce a lease, granted to him by the late Margaret Gordoun, liferentrix of the lands, in his favour.

26. **Forthcoming.** Major Alexr. Forbes *v.* Sir Gilbert Menzies of Pittfoddillis, knight, and Margaret Setoun, widow of John Duguid in Tiliburies, for her interest. The late John Duguid was indebted to Robert Irving of Feddret in the sum of 550 merks, etc., contained in a Bond which he had assigned to the Pursuer, along with a Commissary Court Decree for the amount due.

Mar. 30. **Lint, etc.** Patrick Jope, burgess of Abd. *v.* James Stewin in Rawis of Straboigie. £6 10/- for "Lint and Heardis." Expenses 24/-.

April 20. **Rent.** Patrick Forbes, Merchant, burgess of Edinburgh *v.* the tenants of Brux. The rents of Brux had been assigned to the Pursuer by Arthur Forbes, younger of Brux, in security of a loan of 200 merks, interest, and penalty. The Bond and Assignation was dated 28 February, 1640.

1642.
April 20. **Abstracted Multures.** William, Earl Marshell, etc. and James Bruce at the Scotismilne his "tennent and millar at the said milne" *v.* Alexr. Robertsone in Buthlay and a number of others.

Marriage Contract Provisions. Isobel Forbes, widow of Duncan Wilsone, burgess of Abd., Thomas Wilsone, son and heir of the marriage, and Mr. Thomas Chalmer, "Maister of the Grammer Schoole," his Tutor *v.* George Wilsone the heir at law of the said Duncan Wilsone, who had died in February, 1634. The deceased had by Marriage Contract bound himself and his heirs to provide £1000, to be lent out for behoof of the spouses in liferent and the heirs of the marriage in fee, but had not done so. The Defender was now found liable to implement this obligation and to pay to the widow the arrears of interest since Duncan Wilsone's death.

Loan. George Cullone, burgess of Abd. *v.* Wm. Hay of Delgatie, as heir of Sir Alexr. Hay of Delgatie, his father, and Alexr. Fraser of Techmuirie, as heir of Alexr. Fraser of Techmuirie, his father. Hay and Fraser the fathers, the first as principal and the other as cautioner, had granted, on 6 June, 1620, a Bond for 2000 merks interest, and penalty, in favor of Alexr. Collisone, burgess of Abd., who had assigned it to the Pursuer.

June 1. **Supplement. Rent.** Sir George Ogilbie of Bamffe, knight baronet, and Thomas Joysse, his Factor and Chamberlane *v.* John Michell, sometime occupier of eight oxengait of the lands of Blairshinnoch, then in Brakenes. Three Acts of Court of the lands were produced, dealing with rents from 1636 to 1638. The Factory in favor of Joysse was dated 21 May, 1637.

3. **Supplement. Rent.** Jean Curror, lawful daughter and assignee of David Curror of Fingask, and Christiane Curror, his wife *v.* John Wobster, sometime in Fingask then in Outfeild of Fraserburgh. The rent of the Defender's occupation of Fingask, in the Parish of Fraserburgh, for 1640, had been assigned to the Pursuer on 15 May, 1641. David Curror had in "his awin court of the saidis landis" on 31 March, 1641, protested for the "hiest pryces," and so witnesses were in this action adduced to prove what these were for crop 1640. They were lower than the Pursuer claimed.

8. **Removing.** William, Earl Marschell, etc. *v.* Nathaniel Keyth of Coklay, occupier of the Milnes of Invernettie and others, in the Parish of Pitterheid. Sasine 10 Novr., 1637.

Rent. James Robertsone of Cultis, burgess of Abd. *v.* Alexr. Hervie in Glasterberrie. The third part of the lands of Cultis had been let by Margaret Wentoune, widow of Walter Robertsone of Cultis, to the Defender, who was a son of David Hervie in Gaitsyid of Murthill, for five years from Whitsunday 1639. The Pursuer, who was assignee of Margaret Wentoune, now obtained decree for past due rent.

Dyer's Account. Patrick Jack, younger, Litster, burgess of Abd. *v.* Michael Jamesone in Tillifour. The Pursuer had dyed "yearne cloath shanks and stuffe to the Ladie Wardess," which she directed the Defender to pay, and which he had promised to pay to the Pursuer. Amount £34 12/4. Expenses £3.

1642.

June 10. **Registration.** Wm. Morisone, burgess of Abd. *v.* George Morisone, Bailzie, burgess of Abd., eldest lawful son and heir of Barbara Ferguissone, his mother, who was wife of the late George Morisone, also burgess, his father. Barbara Ferguissone on 4 July, 1629, which was after the death of her husband, assigned to the Pursuer, who was her second lawful son, the following bonds by the persons after named, viz. :—(1) Robert Keith, Writer, as principal, and James Keith of Kinadie, as cautioner, 1000 merks; (2) Andrew Knowis, burgess of Abd., as principal, and Gilbert Skeine of Dyce, as cautioner, 1000 merks; (3) Sir Wm. Keithe of Ludquharne, as principal, with Alexr. Keith of Balmuir and Alexr. Bannerman of Elsick, as cautioners, 2000 merks. In this case the decree followed the original clause of registration and was "to remaine *ad futuram rei memoriam.*" The clause of warrandice in the assignation, was "from my awin proper fact and deid To witt that I have not done neyther sall doe any fact or deid prejudiciall heirto."

15. **Loan. Arrears of Interest.** John Lumisden of Tillicarne *v.* John Leith of Quhythauch, as heir of Patrick Leith of Quhythauch his father, and his Tutors and Curators, if any. In November, 1630, Arthur Forbes, son of Abraham Forbes of Blacktoune, John Leith of Harthill, the said Patrick Leith, and John Forbes, brother of the said Arthur Forbes, bound themselves to pay to the late Mr. Robert Lumisden of Auchinleck and Margaret Lumisden, his wife, and the longest liver, 1000 merks, with interest during the not payment, and penalty. On the death of Mr. Robert Lumisden, his widow married Alexr. Calder, then in Logyreive, who was the debtor of John Lumisden, the Pursuer. For his security the widow's life-rent interest had been assigned to the Pursuer, who now obtained decree against the Defender, as his father's heir, for 80 merks, as the interest from Martinmas, 1639, to Martinmas, 1640, "deduceand thairof the soume of aucht merkis money for the tent pennye of the said yeiris annuelrent conforme to the Actis of Estaittis."

Removing. Thomas Forbes, lawful son of the late Patrick Forbes, burgess of Abd., heritable proprietor of the lands, and Thomas Cargill, burgess of Abd., his Tutor, *v.* Wm. Couttis of Cluny, Wm. Broun in Auld Maynes of Cluny, Robert Wat there, and James Wilsone there. Sasine dated 24 July, 1633. Notary Mr. Robert Reid.

Loans. Leonard Leslie, Burgess of Abd. *v.* Robert Farquharsone in Belatriche and Jean Forbes, his wife. (1) A sum of £20 6/- borrowed at Bartholday, 1636, with interest (2) £3 per annum of interest on another loan of £38. Expenses £3.

22. **A Loan and Malt.** Barbara Gordoune, widow of Doctor Arthur Jhonstoune, *v.* (1) Wm. Drummon in Auld Abd. who had, two years before, borrowed "two Dolloris and a half at four merkis the peice of them" with interest, and (2) Robert Blenshell in Auld Abd., who had bought £4 worth of malt from the widow.

Spuilzie of a Sword, Pistol, &c. Archibald Baxter, burgess of Abd. *v.* Andrew Gray, lawful son of Laurence Gray, at the Milne of Mondurno. In May, 1639, the Pursuer was coming from the "Ruid Fair" when, about a mile north of Pottertoun, his arms, two flasks and his purse were taken from him. Expenses 40/-

1642.
June 24. **Supplement. Delivery or Payment.** Mr. Alexr. Seatoune of Tilliry *v.* John Ritchie in Miltoune of Fowerane. The Defender had sold grain to the Pursuer, but had not delivered it. The act of Court of the lands and barony of Fowerane was dated 11 January, 1642.

29. **Transferring.** Andrew Birnie, burgess of Abd. *v.* Robert Irving of Lenturk, as heir male of the late Alexr. Irving of Lenturk. The Pursuer held a decree of Spuilzie pronounced in the Sheriff Court dated 20 November, 1640,[1] against the deceased. By the present decree, the former one was transferred "in the persone of the said defendar *passive* as air maill to the said umquhill Alexr. Irving his father's brother sone." The date of the service produced was 23 June, 1641.

Not entering to Service. Alexr. Norie in Liddach *v.* Janet Walker in Auchlouche. The Defender, according to her own confession, on a reference to her oath, admitted that she had feed herself to the Pursuer for the half year from Whitsunday to Martinmas and had not entered to his service. She was found liable in the amount which she would have received as wages, viz., 5 merks money; 5 quarters of gray cloth at 20/- per ell; 2 pair of new shoone valued at 26/8; 3 quarters of linen cloth valued at 13/4, and a pair of hose also valued at 13/4.

English Cloth, &c. George Meldrum, burgess of Abd. *v.* Alexr. Bruce in Windihill. This was a decree for £21, for "Ingliss cloath and Baiss coft and receavit." Expenses £3.

Mar. 3. (?July) **Abstracted Multures.** Wm. Couper at the Litle Milne of Esselmonthe *v.* Wm. Frenshe there and others. The 20th peck was payable at this Mill.

July 8. **Removing.** Andrew, Lord Fraser, *v.* Wm. Coupline at the Milne of Invernorthe, called the New Milne of Philorthe, in the Parish of Rathin. Date of Sasine left blank. Notary Mr. George Nori.

Removing. Alexr. Lumisden of Auchinleck *v.* Wm. Mitchell there. No particulars of Sasine.

Removing. Andrew Finy, Bailzie in Petterheid, heritable proprietor of the lands *v.* Walter Falconer in Maynes of Crimonthe. Sasine dated 19 Novr., 1641. Notary Patrick Milne.

15. **Discharge of Alimentary Expenses, &c. Interesting Procedure.** Elspet Kennedy, lawful daughter of the late Ellen Kennedy in Borrowley, and Patrick Farquhar, burgess of Abd., her husband *v.* Isobel Cheyne, widow of Magnus Mowat of Balquholly. The female Pursuer was a grand-daughter of the Defender, and had boarded with her. She and her husband now sought and obtained decree for (1) delivery of a discharge of the expenses laid out upon the female Pursuer during her residence with her grandmother (2) £100 promised to her for her services, and (3) £50 for merchandise bought from them. Expenses £10. The Defender pleaded inability to come to Court owing to sickness, and when commissioners went to take her oath, refused them admission.

[1] This decree has not been found in the Decree Book for 1640; but, according to the practice of the period in Decrees of Transferring, was here engrossed verbatim.

1642.

July 15. **Rent.** Alexr. Keithe of Midbeltie *v.* Thomas Fraser there. The half year's rent due at Martinmas, 1639, of the half of Maynes of Midbeltie was decerned for. Pursuer's Sasine dated 10 September, 1638. Notary Alexr. Dinnie. Margaret Gordoune, "Ladie Midbeltie," liferentrix of the lands, was said to have died during the half year before the Martinmas term.

Removing. John, Earl of Kinghorne, &c. *v.* Patrick Forsyth in Keir, James Bawerlay in Craigie and Thomas Smith in Croft of Laingseat. Sasine 6 November, 1617. Notary Wm. Gray, Sheref Clerk of Farfar.

22. **Removing.** Sir Alexr. Gray of Pittindrum, knight *v.* Wm. Cardno in Pitblae, Thomas Wobster there and John and George Cardno there. The Defenders were ordained to remove from Pittindrum and Pitblae. Sasine dated 26 October, 1626. Notary Patrick Austiane.

27. **Registration.** Annas and Elizabeth Jhonstoune "onlie lawfull bairnes, airis servit and exers. confirmit to umqll. Mr. Wm. Jhonstoune Doctor of Medicen," and Barbara Forbes their mother and Tutrix dative to them, and for herself as liferentrix *v.* Alexr., Lord Forbes of Pitsliggo, as heir to Alexr., Lord Forbes of Pitsliggo, his father, and Alexr. Forbes of Boynlie his Tutor, for his interest, and also as cautioner under the Bonds after mentioned. The Bonds ordained to be registered were (1) Bond for 2000 merks dated 21 Novr., 1634, and (2) Bond for 2000 merks dated in June, 1636. From the terms of the decree it would appear that Dr. Jhonstoune died between Whitsunday, 1640, and Whitsunday, 1641. The General Services of his daughters were dated 13 July, 1642, and the Letters of Tutory 26 March, 1642.

Removing. John Udny of that Ilk *v.* John Kennedy in Carmuck and Wm. Innes in Newburghe, who were occupiers of certain "tenementis and ruiddis" in Newburghe. Sasine dated 8 August, 1634 Notary John Ingrahame.

29. **Forthcoming. Rent, &c.** Mr. Hew Irving of Beildsyide *v.* Andrew Rob, Cassiemaker in Abd. and Andrew Irving of Beildsyid, for his interest. Founding upon two Acts of Court of the lands "haldin within his awin hall thairof," the Pursuer raised the Sheriff's precept of arrestment and arrested several stacks of grain belonging to Rob, standing in Andrew Irving's corn yard. Witnesses were examined as to the quantities and values of the bear and oats.

Restoration of Stolen Horses. Wm. Forbes of Tombegg *v.* James Warrack in Tollafine. The Pursuer's stable had been broken into in August, 1639, and two horses valued at £100, stolen therefrom thus described, "ane black with ane bell in the face and ane whyt hinder foot and the other dusk black with some whyt hairis in the face." According to the decree the horses were immediately after their removal found in Warrack's possession, who on being challenged, promised to restore them, but did not do so. Expenses £5.

1642.
July 29. **Minister's Stipend. Assignation to Creditor.** James Nicoll in Reidfoord *v.* Sir Alexr. Irving of Drum, knight. Mr. Robert Forbes, Minister at Eicht, being indebted to the Pursuer in the sum of 250 merks of principal, under a Bond dated 17 June, 1636, on which his son Mr. Alexr. Forbes was a cautioner, assigned to him (1) his stipend from the lands of East and West Cullairlie, Woidsyid, Dammes and Tilihorne for 1642, amounting to £95 13/4, and (2) his stipend from Finnersie and Monaucht, for same year, amounting to £61 6/8. For these sums the Pursuer now obtained decree against the Defender, as proprietor of the lands.

Rent. Mr. Andrew Logie, Persone of Raine *v.* George Cruikshank in Bonnitoune. Decree passed for (1) 4 bolls "sufficient ait meill at aucht pundis the boll" still due as rent for four oxengait of Lonheid of Bonnitoune crops 1633 and 1634, and (2) £8 "for the ods and distances [1] of the number of aucht bolls and ane half of meill and of aucht bolls and ane half beir adebtit to the said persewar be the said Defender." Expenses 40/-.

Failure to enter as a Cottar. Charles Massie in Quhytcarnes *v.* Alexr. Riddell in Auquhathe.

30. **Accounts for Meal.** Sir Wm. Forbes, knight bart. *v.* Robert Irving of Lenturk, Robert Forbes in Knocandoche, Patrick Idill in Auchinagathill, Robert Andersone in Walk Milne of Afuird, James Suaip in Rowrandill, Alexr. Glennie in Glentoune, Alexr. Gilaspie in Fetterneir, John Law in Drumnahoy and Mr. Thomas Forbes, Minister at Touche. The amount of meal supplied ranged from a firlot to five bolls.

Rent. George Gordoune, Chamberlane of Huntlie in his own right and also as Factor of Mr. George Clerk, Minister *v.* John Durhame in Auld Abd. The Pursuer was proprietor of two tenements barns and yards in Old Abd., which the Defender had occupied or with the rents of which he had intromitted. Sasine dated 29 December, 1636. Mr. Clerk's rig of land was situated within the territories of Old Abd. and was bounded by the "Tyilburne" on the East. The Defender was examined on oath and made certain admissions, according to which decree passed with £4 of expenses.

Augt. 10. **Rent.** Paull Collisone, burgess of Abd., as Executor confirmed to Paul Inglishe, burgess of Abd. *v.* George, Marqueis of Huntlie, &c. By lease dated 29 January, 1639, the Marquis had become tenant of the deceased's "Inland Clois yeard and pertinents lyand on the southe syid of the Castelgait of the brughe of Abd." at a rent of 400 merks, with 100 merks of penalty in case of failure. This decree was for the year's rent from Whitsunday, 1639, to Whitsunday, 1640, and for the penalty.

June 10. (Out of date.) **Registration.** Thomas Gordoun of Brodland *v.* Sir James Gordoun of Lesmoir, as heir of Sir James Gordoun of Lesmoir, his grandsire, and John Leithe of Buchairne, his Tutor Dative for his interest. The Bond, which was ordained to be registered for execution against the Defender, was one for the principal sum of £1100 dated 9 June, 1635. The cautioners were Edmund Graden of Logie and the late Alexr. Graden, his eldest lawful son, who was the writer of the Bond. The Bond was signed at Newtoun Garioche and witnessed, among others, by James Gordoun apparent of Tilliangus.

[1] Distances as here used, meant differences, so that the £8 decerned for, was really a slump sum paid in respect of disputed and unadjusted differences.

1642.

Octr. 5. **Loan. Sterling Money.** Duncan Keith of London [?] Seid[1] *v.* Mr. Thomas Blackhall, burgess of Abd. The Pursuer produced the Defender's Bond, dated 16 July, 1641, for £120 Sterling,[2] declared to be equal to £1440 Scots.

Rent. John Broun in Turreff, heritable proprietor of the lands *v.* John Ratie in Ower Tillimald and Walter Bisset in Nether Tillimald. Sasine dated 22 July, 1637. Notary Mr. James Cheyne.

28. **An Ox. A Cow, &c.** James Pantoun in Ardfork *v.* (1) Wm. Blackhall in Kinguddie, 24 merks for "ane coft ox" (2) Wm. Bodwell there, 10 merks for "seid beir" (3) Alexr. Aikin there, £5 for "coft meill" (4) John Fergusone in Wodland, 17 merks for the price of "ane kow" (5) James Black in Barra, 24 merks "borrowit silver," and 20 merks for "coft meill," and (6) James Mitchell at the Milne of Blackstrathe, 14 merks "borrowit money." Expenses 20/- each.

Supplement. Rent. Alexr. Keith of Midbeltie *v.* Thomas Fraser in Bondar. In terms of an Act of Court of the Lands of Midbeltie and Bondar, dated 6 September, 1642, decree passed for the rents of Bondar, and the half Mains of Midbeltie crop, 1641.

Novr. 2. **Removing.** Andrew Cruikschank sometime in Ellon, then in Abd. *v.* Marjorie Clerk, widow of Wm. Bodie in Pitterheid. The subjects in question were described as the "few tenement of land perteining to said umquhill Wm. Bodie with the houssis," &c., thereon, containing six roods in length and three roods in breadth on the East side of the Kings common gait in the Burgh of Peterhead. A Renunciation by the widow, dated 3 July, 1637, was founded on and produced.

4. **Supplement. Meal.** Patrick Gordoun, Chamberlane of Barra *v.* Wm. Pittindriche in Chappeltoun. By an Act of Court of the Lands of Pitmedden, dated 5 June, 1641, the Defender had been found liable to pay to the Pursuer 6 bolls, 2 pecks of "ferme meill," being part of 12 bolls "gryt aittis" of the corn of one Alexr. Lamb, crop 1639, which had been taken by the Defender from Lamb's barn to be delivered "into the girnell of Pitmedden."

18. **Trespass of Cattle.** Wm. Couttis in Littill Finnersie *v.* Wm. Ramsay in Meikle Finnersie.

Spuilzie. John Keith of Migvie *v.* George Gordoune of Collithie and George Gordoun at the Milne of Kincardin. There had been taken from the Pursuer's possession of Haltoun of Lumphannand on 18 March, 1637, "ane black quhyt hornit ox of fywe yeirs old or thairby" for which £33 was sought. Excrescent profits at the rate of 13/4 per day were also sued for, from the time of spoliation until the date of restitution. In the result £20 was given for the ox, and 3/4 per day down to 21 October, 1639, which was the date of citation. Expenses £4.

[1] The Editor has failed to identify or understand this word.

[2] The first decree for Sterling currency which has been observed.

1642.
Novr. 25. **Forthcoming.** Arthur Folla in Catie *v.* Robert Johnestoun at the Milne of Balcarne and Andrew Robertsone, sometime in the Mainis of Meldrum, then in Allathen. The foundation of the claim was a Bond for £80, &c., dated 19 May, 1638, and registered in the Sheriff Court Books 18 February, 1642.

Decr. 2. **Loan.** George Gordoune, burgess of Abd., executor confirmed to John Gordoun, lawful son of James Gordoun, sometime of Barro *v.* Mr. Patrick Gordoun of Braco, Thomas Erskein of Pittodrie and Alexr. Erskein of Barnes. The Defender Gordoun was the principal obligant in a Bond for 3500 merks, dated 27 March, 1634, and registered in the Books of Council and Session 20 June, 1635. The other Defenders were the cautioners for him.

30. **Escheated Effects.** Mr. Roger Mowat, Advocat Donator to the Escheat of the late Alexr. Smithe in Rora *v.* James Smithe in Drumbrek, Wm. Smith in Tuithill, Alexr. Bruce in Buthlaw, Nathaniell Robertsone in Rora, Wm. Watsone in Haddo, Andrew Clerk in Knokhall, Andrew Phynnie, Skipper in Pitterheid, Arthur Smith in Rora and Beatrix Ord, widow of the deceased Alexr. Smith in Rora. The deceased had been put to the horn on 29 August, 1637, for a debt of 20,000 merks of principal, due to Wm. Gray of Pittindrum, Merchand, burgess of Abd., and had also been denounced rebel for a debt of 230 merks of principal due to Wm. Keithe in Nether Altrie. This was a decree by Mowat, who had the gift of the escheated estate, against Arthur Smith and Beatrix Ord, who had intromitted with portions of it, and against the other Defenders who were debtors to the deceased.

Exhibition. John Cruikschank, burgess of Abd. *v.* George Rait of Follarull and John Reithe in Crichie. Rait had assigned to the Pursuer the rent payable by Reithe, for crop 1641, of the lands of Smiddieburne in Fyvie, of which Reithe had been tenant under a written lease. The production of the lease was necessary to enable Cruickschank to sue Reithe for the rent. Decree passed against Rait, who did not appear to depone, but Reithe produced the lease and was assoilzied.

14. (Out of date.) **Marriage Contract Provisions. Enforcement against Heir.** Isobel Drummond, widow of Paull Inglis or Inglish, burgess of Abd. *v.* John Inglish, son and heir of Paull Inglish, and Paul Collison, his Tutor nominate. By Marriage Contract, dated 12 January, 1639, the deceased had bound himself to provide his widow, for her liferent, with the interest of 4000 merks. The Decree bore that Inglish died before Martinmas 1640, and was for the purpose of enforcing the Marriage Contract provision.

1643.
Jany. 4. **Failure to Enter Farm.** Robert Irving of Fedderet *v.* George Bodwall in Waltoun. The Defender was ordained to "labor manur and posesse the fourt pairt of the Walkmilne of Litill Gavill and Milne lands thairof last occupiet be Johne Ingrahame" and to pay the rent.

Forthcoming. Mr. Wm. Seatoun, Persone of Logy [? Buchan] *v.* Mr. Wm. Seaton of Rannistoune and Alexr. Calder in Logyruiff, for his interest. The Pursuer was creditor of Calder under two Bonds, one for 100 merks, granted to himself, and the other for 140 merks assigned to him by Alexr. Williamsone in Chapeltoune of Esselmonthe.

1643.

Jany. 6. **Forthcoming.** George Keithe in Pitterheid *v.* David Fynnie and others (no designation) and John Irving of Bruklay for his interest. The last named had come under obligation to deliver to the Pursuer "Ellewin scoir bolls ferme meill but dust or steanis four scoir bolls beir guid and sufficient merchand stuff weill dichtit and windowit unhett or spilt [spoiled] and ten bolls meill all rin mett."

Rent. Mr. Alexr. Scroggie, Student of Divinitie, son and assignee of Mr. Alexr. Scroggie, Doctor of Divinitie, heritable proprietor of the lands *v.* Wm. Seatoun, younger of Disblair, who was not paying rent for his occupation of Lairishill.

11. **Merchant's Accounts.** John Reid in Meikle Abercattie *v.* John Reid in Glentoun and about 25 other persons. The amounts due for merchandise sold, ranged from £2 to £60.

18. **Removing.** James Gordoun, lawful son of Mr. James Gordoun, Wreattar in Edinburgh, heritable proprietor of the lands, and his father as his Tutor *v.* Dr. Wm. Guild, Principal of the Kingis Coledge of Auld Abd., and John Forbes in Auld Abd. Sasine dated 6 April, 1642. Notary James Pittindreich. The subjects in question were described as "the lands callit the Bischop waird and Sanct Machars Insche." In the course of the case, Alexr. Thomsone, Procurator for the Defenders, desired that "the Colledges of New and Auld Abd. and Universities thairof" should be sisted for their interest, and produced "ane decreit given and pronuncit be the Lords of Counsell and Sessioun conforme to the said Universitie thair Charter and Gift under his Hienes great seall of the haill rents of the Bischoprick of Abd. togidder with defenssis for the said colledges." These defences were ultimately withdrawn and decree passed.

25. **Violent Profits.** Alexr. Keithe of Mid Beltie *v.* Andrew Fraser, lawful son of the late Alexr. Fraser of Doris. The Defender had on 27 February, 1639 [*Supra*, Vol. II., p. 467], been ordained to remove from the lands of Mid Beltie as at Whitsunday, 1638, but had not done so.

Legacy. A Cow, &c. George Beane in Ardo and Christiane Lyon, his wife, *v.* James Elmslie in Auchterellon. A "gairit" cow worth £20, and a "cowering" worth £6 in the Defender's possession, had, according to the Pursuer's claim, been legated to them by Janet Lyon, the Defender's wife and another. Expenses 26/-

Arrears of Rent. Decree Arbitral. Alexr. Lumisden, Fiar of Tillicarne *v.* David Straquhan in Tillibrek. The parties had come into court on a former occasion, when the amount in dispute had been referred to Mr. Wm. Davidsone of Carny and Mr. Matthew Lumisden, burgess of Abd. The present decree was obtained for the purpose of enforcing their Decree Arbitral, dated 26 June, 1641, by which the Defender had been found liable in 40 merks.

Legacy. An Ox, &c. James Lyon in Auchterellon *v.* James Elmslie there. The Pursuer claimed (1) £24 for an ox left to him by Janet Lyon, the Defender's deceased wife, and (2) £8 for his harvest fee, crop 1640. Expenses 26/8.

1643.
Jany. 27. **Oxen. Kowanday.** Abraham Davidsone in Cuithill *v.* Archibald Prat and David Prat. The balance of the price of two oxen amounting to 40 merks, which should have been paid at "Kowanday last," was decerned for. Expenses 40/-

Loan. The Executioner. James Andersone, Executioner in Abd. *v.* Janet Makie in Inruri. The sum of 24 merks borrowed at Whitsunday, 1636, with interest according to the Act of Parliament was the subject of this decree. Expenses 26/8.

Rent. Mr. David Lyndsay, Persone of Balhelvie, and Margaret Annand, his wife *v.* Andrew Moir in Quhytcairnes. The Pursuers had a lease of these lands from John, Earl of Kinghorne, for seven years from Whitsunday, 1642, conform to lease produced, dated 25 August, 1641. The Defender, on a reference to his oath, admitted liability for the rent crop, 1643, amounting to £42. A Renunciation of the lands, granted by Walter Forbes of Tolquhone in favor of the Pursuers, dated 5 July, 1642, was produced, but the reason for this was not set forth. Expenses 26/8.

4. (Out of date). **Removing.** Mr. Robert Farquhar of Mowny, heritable proprietor of the eighth part of Wester Fintray, and half of Wester Disblair *v.* Mr. Wm. Chalmer, designed both as of and in Wester Disblair, John Clerk in Wester Fintray and John and Andrew Cumming there. Sasine dated 28 February, 1636. Notary Robert Merser.

Febry. 1. **Rent.** Robert Irving of Lenturk *v.* John Wallace, sometime in Littill Lenturk then in Kintocher. The rent of six oxengait of Littill Lenturk was the subject of this decree.

3. **Wool and Kairds.** Patrick Crystie, burgess of Abd. *v.* John Lason in Hill of Tirrnmilne. £18 for the price of Wool and "ane pair off Kairdis." Expenses 30/-

Loan. Patrick Schand, Merchand, burgess of Banff *v.* Wm. Lyndsay, sometime in Ardyne then in Cushnie. The bond constituting the debt was one for £22, granted in 1624 in favor of Alexr. Wenchester, Bailzie burgess of Banff, who assigned it to the Pursuer on 23 July, 1642.

Oats and Beir. James Smithe in Dyce *v.* Mr. Robert Jamesone in Litle Gowill and another.

8. **Exhibition.** John Wallace in Colp, son and heir or at least apparent heir of John Wallace sometime in Turreff *v.* Patrick Stewart in Dorlaitheris. There were sought (1) the titles of "ane tenement of land lyand in the toune of Turreff upone the northe syid of the Streit thairoff haveing the tenement of umquhill George Gibsone at the eist the Kingis Hie Streit at the southe the tenement of umquhill Dalgardno at the west and the burne of Puttachie at the northe pairt thairoff." (2) "A contract of wodset of the lands of Kingisfuird grantit be William Barclay of Ordley for 1200 merks (3) Bond by Wm. Gordoun of Ballquhynnachies and Jeills Keithe his wife for 200 merks (4) Bond by Robert Crichtoun of Condland for 50 merks and (5) Bond by James Mowat of Ballquhollie for £80. No dates were given.

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1643.
Febry. 8. **Loan.** John Dempster, Flesher burgess of Abd. *v.* John Fraser of Clintertie. One part of the claim was for "seid beir," the other was for "nyn croce dolloris at four merkis the peice extending to threttie sex merkis borrowit." Expenses 4 merks.

Meal. Wm. Forbes of Tombeg *v.* Alexr. Calder in Hill of Tillicarne, 56 merks for 4 bolls of meal "coft and receavit." Expenses 53/4.

Liquidation. John Cruikschank, burgess of Abd. *v.* John Reith in Creichie. The Pursuer had an Assignation from George Rait of Follaroull of the lease of the Defenders occupation dated in May, 1640. (*Vide Supra*, p. 10.) This was a Decree of Liquidation of the price of 24 bolls of meill crop 1641, which was fixed by two witnesses at 10 merks per boll.

10. **Wrongous Intromission. A Gun.** Wm. Forbes of Petalachie *v.* James Bettie in Aucholzie and Alester Bowman in Oldinrie.[1] The Defenders were ordained to return to the Pursuer or to pay £100 for, "ane excellent fyne lang gun with work and uther furnatur" belonging to the Pursuer, which was said to have been taken from the house of Duncan Calder in Alt[2] in November, 1637. The gun was said to belong to the Pursuer "as his awin proper gun so reputt and hauldin be schootting keiping and preserving thairoff." Expenses £3.

A Horse, &c. John Walker in Tamly[3] *v.* Duncan Elmslie in Lairie, John Sandesone in Abergarne, John Wischart in Balnacraig, James Ker there, John Reid in Tarland, John Tavis in Tillichardoche, Thomas Tais there and Robert Andersone at the Cobbill of Awfuird. Sandesone was due 64 merks for "ane gray naig coft and receavit," the others for small sums for meal, beir, &c. Expenses £4, divided proportionately among the Defenders.

22. **Cattle, &c.** John Byris, servitor to Robert Practor at the Bridge of Done *v.* James Watt in Auld Bourtie. 37 merks 7/4 for the prices of "tuo steiris coft and receavit" and also 10 merks 10/8 of borrowed money. Expenses £3.

Forthcoming. Duncan Keith of Londoun *v.* Sir Wm. Keith, younger of Ludquharne and Mr. Thomas Blackhall, burgess of Abd. for his interest. This decree followed on the decree Keith *v.* Blackhall (*Supra*, p. 9), and was for the sum of "four scoir dolloris extending to the soume of thrie hundrethe & tuentie merks" arrested in Sir William's hands.

Forthcoming. Mr. Wm. Forbes. Persone at Meithlik *v.* Alexr. Gordoun of Cairnburrow and Alexr. Calder in Logyruiff for his interest. The debt was contained in a Bond by Calder to Forbes for 425 merks, dated 18 July, 1641, and registered in the Sheriff Court Books 16 August, 1642. The name of Calder's wife was Lumisden but both her baptismal name and the amount decerned for were left blank [but see p. 5].

[1] Probably Alltanruie. *Vide* "Place Names of West Aberdeenshire," New Spalding Club, p. 10.

[2] This may be a contraction of Alltanruie.

[3] Tomlea, Braemar.

1643.
Feby. 22. **Removing.** Mr. James Sandelands, Commissar of Abd. *v.* James Thome in Crabstoun. This decree proceeded upon a Renunciation by the Defender of a plough of land, &c., in the parish of Sanct Machar, occupied by him, dated 23 December, 1642.

24. **Removing.** Mr. Alexr. Ferries, Minister at Crathie, heritable proprietor of the lands *v.* Alexr. Sandesone, elder, in Crathienard, in the Parish of Crathie, Donald Sandesone there, Patrick Riach there, John and Edward Mackhardie, alias Mackhomisdine there, John Bane McPhires there, John Symond there and Alister Symond there. Sasine dated 10 October, 1632. Notary John Williamsone.

Rent. Protestation for Highest Prices. Jean Curror, lawful daughter of David Curror of Fingask *v.* Patrick Quhitsone in Fraserburghe. The Defender had taken a lease for three or five years (in the proprietor's option), from Whitsunday 1639, of the west third part of the lands of Fingask, at the rent specified in the lease, which was dated 12 May, 1639. He had entered upon the lease, but had not paid rent for 1641 and 1642. On 10 January, 1643, David Curror and Christiane Curror, his wife, assigned the lease, with all that was due under it, to the Pursuer, having previously, when demanding payment, made protestation for the highest prices of victual, capons, &c. Expenses £5.

Cautionary Obligation. Relief of Cautioner. John Gordoun of Kirktoun *v.* John Wilsoun, sometime in Milbrex then in Smiddiburne. The Pursuer had in December, 1639, become bound to the Laird of Haddo, on behalf of the Defender, in the sum of 200 merks, which he now sought to be relieved of. Expenses £6.

25. **Abstracted Multures.** Janet Gordoun, widow of John Leithe of Harthill, Liferentrix of the lands of Auld Raine, Adam Abercrombie, her husband, and Sir Alexr. Abercrombie of Galcorss, knight, and Hector Abercrombie of Fetternear, as lessees under the principal Pursuers *v.* Mr. Wm. Straquhan, Persone of Dawiot, Mr. Wm. Straquhan, his son, there, James Gordoun in Louesk (also spelled in the entry Lowesk and Luesk), Patrick Honnie there, John Meany there, and James Diak there. By Contract dated 24 May, 1627, the late John Leithe had disponed Luesk to his son, John Leithe, and his wife, Jean Forbes, but under the stipulation that all the corn grown upon the lands should be ground at the Milne of Auld Raine. Mr. Wm. Straquhan, to whom Leithe the younger had wadset Luesk, became subject to this obligation, but he and his tenants had not been recognising it. Hence this decree. The grain prices were sued and decerned for according to the "feiris" of the respective years. Janet Gordoun's liferent Sasine, dated 13 August, 1604. Notary the late Mr. John Leithe. The title granted to the Abercrombies was dated 13 August, 1635, and registered in the Books of Council and Session 24 March, 1637. An extract of the fiars prices from the Sheriff Court Books was produced.

Loan. Mr. James Sandelandis, Commissar Clerk of Auld Abd. *v.* John Forbes, Bailzie of Auld Abd. The Defender had borrowed 80 merks 6/8 from the Pursuer in September, 1640, promising immediate payment. The claim was referred to the Defender's oath, and at least one opportunity given him to attend and depone, but he did not do so.

1643.

April 21. **Wrongous Intromission, &c.** Wm. Meassone in Migvie *v.* John Keith in Meikle Migvie. The main ground of action was that the Defender, having induced the Pursuer to sign two Bonds in his favor without giving value, did notwithstanding, poind and take possession of a horse. He was now ordained to return the horse ("a black lyart horss") or pay £40 for it, and to sign and deliver discharges of the Bonds, &c. Expenses £3.

May 3. **Registration.** Wm. Stewin at Kintoir, son and heir served to John Stewin in Hall Forrest *v.* Archibald Meldrum, burgess of Abd. A Bond for 190 merks borrowed from the deceased in 1628, was ordained to be registered for execution at the instance of the Pursuer.

5. **Removing.** Mr. John Alexander, Advocat *v.* Alexr. Irving, sometime of Beltie then in Boighoill. The Pursuer represented the Tutors and Curators of the "bairnes" of the late Robert Alexander, his father, who were heritors of the sunny half lands of Boigholl, from which the Defender had bound himself to remove within eight days after signing a Renunciation at Kinmundie on 28 March preceding.

10. **Supplement. Rent, Loan, &c.** Robert Blackhall at the Neither Milne of Cruden *v.* David Milne in Neither Kinmundie. The Pursuer had obtained, in a Court of the lands of Tarduff, dated 4 May "last bypast" a decree for (1) price of 5½ bolls meal bought (2) 100 merks "borrowit silver" and (3) the rent crop 1641, of a plough of the Maines of Neither Kinmundie, of which the Pursuer had been heritor, and the Defender the occupant.

31. **Removing.** John Udny of that Ilk *v.* Robert Murray at the Kirk of Udny, Alexr. Sangster of Boddomes and Wm. Sangster, his son. Murray was occupier of a croft at Udny and of the sunny plough of the Maynes of Udny, while Alexr. Sangster and his son occupied Auchindarge. Sasine of the lands of Udny, 10 May, 1637. Sasine of the other lands 14 July, 1635. Notary the late John Ingraham.

Removing.[1] Thomas Bodie of Toux, heritable proprietor of the lands of Toux and Pittfour *v.* John Stott in Pittfour. Sasine 18 Sept., 1637. Notary Patrick Milne.

June 2. **Removing.** Andrew, Lord Fraser *v.* Andrew Smithe in Cowburtie, in the parish of Aberdour. Date of Sasine left blank.

Supplement. Rent. The same *v.* The same. Rent of Cowburtie crop 1642, conform to Act of Court of the lands dated 21 February "last bypast."

9. **Rent.** Thomas Forbes, lawful son of the late Patrick Forbes, burgess of Abd., heritable proprietor of the lands, and Thomas Cargill his Tutor Dative, for his interest *v.* Wm. Broun, Robert Watt, and James Robertsone, all in Auld Maynes of Cluny, and Wm. Couttis sometime of Auchtercoull and Janet Gordoun, his wife. The Pursuer was proprietor, apparently by way of wadset, and the Sasine produced was dated 24 July, 1633. Notary Mr. Robert Reid. The Gift of Tutory was dated 19 June, 1637. The rents sued for were for the years 1632 to 1641 inclusive. On 24 December, 1635, Couttis had with consent of Sir Alexr. Gordoun of Cluny ratified the Pursuer's rights, notwithstanding which he had been intromitting with the rents, for all which, in different measure, he and the tenants were found liable.

[1] Entered in the original after the Court of 2 June.

1643.
June 9. **Liferent Interest in Wadset.** Mr. Wm. Wedderburne in Bethelnie *v.* John Fraser, designed both as in and of Newbrughe, Tutor to Alexr. Fraser of Techmuirie. The deceased Mr. Michaell Fraser of Techmuirie had wadset the lands of Parcok, to the late Marjorie Lasoun, at one time the wife of Arthur Seatoun in Catie, for 1700 merks. Marjorie Seatoun, wife of the Pursuer, had succeeded to the above sum, as heir to her mother, Marjorie Lasoun, while Alexr. Fraser, now of Techmuirie, to whom the Defender had been Tutor, was liable to pay the debt incurred by his ancestor, Mr. Michaell Fraser. Marjorie Seatoun, who had married the Pursuer, had with his consent disponed her right to their son, Wm. Wedderburne, reserving the annual rent of the loan to her husband, the Pursuer, for life. The Defender admitted being due 112 merks for the period previous to the expiration of his Tutory at Whitsunday, 1636. Expenses £4.

Loan. Year's Interest. Alexr. Lumisden, fiar of Tillicairne *v.* John Leithe of Quhythauche, son and heir of the late Patrick Leith of Montgarrie. This was a decree for 80 merks as the interest of 1000 merks for the year to Whitsunday, 1643, arising as in a former entry. (*Vide Supra* p. 5.)

Violent Profits. William, Earl Merschell *v.* Nathaniell Keith at the Milne of Inuernettie. By decree of 8 June, 1642 (*Supra* p. 4), the Defender therein designed "of Coklay" had been ordained to remove from Milne of Inuernettie, Milne lands, &c., but had remained in possession. He was now ordained to pay the "violent and excrescents of his occupation" for 1641 and 1642. Expenses £3.

Rent. The same Pursuer *v.* the same Defender, here designed as "of Littill Coklaw." This decree was for the rent of Milne of Inuernettie, &c., for the years 1638, 1639 and 1640. The amount decerned for was a good deal less than what was sued for. Amongst the items craved was "Tua hundrethe eggis pryce of ilk hundrethe eggis yeirlie fourtie schillings." These, with milne swyne, capons and hens were disallowed. While £8 per boll was put upon meal in the summons, and £9 for malt, the Court allowed only £6 overhead for both. Expenses £3.

16. **Supplement. Rent. "Brew Creische."** Mr. James Straquhan of Fettercairne *v.* Andrew Black in Fortrie and Thomas Brogane in Fuirdmouth of Arnage. An Act of Court of the lands and barony of Arnage, dated 23 November, 1641, was founded on. Brogane had been occupier of the Brew Croft of Arnage and had been ordained to pay "four merkis for ane steane of brew creische yeirlie" for crops and years 1639 and 1640, to which was added in this decree, the same sum for crop and year 1641.

Removing. Sir Alexr. Irving of Drum, knight *v.* Donald Dow in Tomnafia in the parish of Glengardyne. Sasine 5 March, 1634. Notary Patrick Irving.

1643.

June 16. **Bond. Sterling Money.** Patrick Jop, Merchand, burgess of Abd. *v.* George Leslie in Inverourie. The Bond in this case was one for £4 sterling, granted by John Logy, eldest lawful son of Mr. Andrew Logy, Minister at the Kirk of Raine, in favor of Mr. Thomas Rob, eldest lawful son of the late Alexr. Rob, burgess of Abd.. dated 6 March, 1639. For this amount the Defender, then a Bailzie in Inverourie, who was apparently an uncle of young Logy, had made himself liable by a letter to the creditor dated 2 February, 1640. Both Bond and Letter had been assigned to Jop, the Pursuer, on 28 November, 1642.

Not Entering to Farm. Mr. Robert Farquhar of Mowny, heritor of the lands, by Disposition from Patrick Urquhart of Lethintie *v.* John Cruikschank, alias Lonman, who had on 16 August, 1639, taken a five years' lease of Swanfuird of Muirs of Fyvie, but had not entered thereto. Date of Pursuer's Sasine left blank.

Grain Sold but Not Delivered. George Massie in Schiwado *v.* Alexr. Reid at the New Kirk of Auchredie. The conclusion of the summons was as follows: "To pey and delyver to the said perseuar the number of nyne bolls beir rin mett sufficient merchand stuff onhett or humit[1] out of tua ruiks beir pertaining to the Defender of his awin grouthe winn and schorne befoir the feist of Bartholday last and in caice the saidis tuo rouks extendit not to the quantitie abowe wreittin promissit faithfullie to furnische als meikle als guid and sufficient as the saidis tuo roukis to hawe bein mett and meassurit with the firlot of Johne Chessor, elder, in Baidlem or Thomas Forbes of Meikle Auchredie." The alternative of delivery was payment of £10 per boll, which was decerned for, with £3 of expenses.

21. **Removing.** John, Earle of Kinghorne, Lord Lyone and Glames, &c., *v.* Thomas Davidsone in Keir and Christiane Cheyne, his wife, occupiers of the lands of Keir in Balhelvie. Date of Sasine left blank.

Removing. William, Earl Merschell, Lord Keithe and Altrie, &c., *v.* Wm. Fyvie in Auchmacher and George Tailzeour in Auchtedonald. Sasine 8 November, 1637. Notary Mr. Patrick Chalmer.

23. **An Ox.** Patrick Jack in Auld Balhelvie *v.* John Duncane in Auld Bourtie. £20 being price of "ane ox coft and receauit." Expenses 40/-.

Removing. Robert Keithe of Auchorsk, as heritable proprietor of the lands *v.* Richard Drum in Persley, John Chalmer in Neither Persley, Edward Deanes there, John Leask at the Milne of Grandome, Patrick and Alexr. Watsone in Denstoun, George and Alexr. Simmers there, Patrick Lintoun in Corthibuck and Alexr. Moir in Boighouscroft. No Sasine was produced.

30. **Abstracted Multures.** Thomas Gordoun in Rippachie *v.* Donald Troupt in Ower Culquhichie, Robert Maxwell there, Walter Dauidsone in Bairnes, Robert Bowman in Ardgicht, John Grassie there, Robert Riache there, and Robert Michie in Daskerie. These were all found liable for multures abstracted from Milne of Rippachie. Expenses 4/- each.

[1] Humit=Hoamed, *i.e.*, musty by confined keeping.

1643.

June 30. **Agricultural Services, &c.** John Banerman in Gardyne *v.* Robert Thomsone in Countesswalls. (1) "Tua merks for tua pleuchis darraks quhilk he suld haue eirit to the said perseuar of his croft of land of the toun and lands of Gardyne of the cropt i^{m}vi^{c} fourtie tua yeiris with ane peck of meill and ane halff of haruest supperis for scheiring in harwest i^{m}vi^{c} fourtie ane yeirs" (2) "Sewin schillingis of borrowit silver and coft draff." Expenses 13/4.

July 5. **Accounts for Meal.** Alexr. Dounie, Grintellman to Sir Thomas Cromby of Kemnay, knight, *v.* John Mackie at the Mid Milne of Kintoir and Wm. Bisset in Auchquhirthin.

Removing. George, Marqueis of Huntlie, &c. *v.* John Gordoun in Ittingstoun, James Straquhan in Collonach, both in the Parish of Dumbennan and other tenants of Edindiak and Drumfoirge in the parish of Gairtlie, of Kinnoir, Lonend and Auchinbo in the parish of Kinnoir and of Cairnewhelp in the parish of Carnie. Date of Sasine left blank.

Eviction. (Incomplete.) Agnes Milne, lawful daughter and heir of the late James Milne, and as such proprietor of the subjects, *v.* Alexr. Andersone in and Isobel Bonar, his wife. The subjects were described as a tenement of land, twelve ells in breadth, on the West side of the "Citie of Auld Aberdeine" and on the West of the "Kingis Common gait" thereof. Sasine 9 May, 1628. The Pursuer's case was, that having let the subjects to Michael Findlater, burgess of Abd., the Defenders "without any tittill or richt wiolentlie and maisterfullie under cloik and silence of nicht quhill all men wes at the rest they entrit the said bigging the dooris being neidnaillit[1] and lokit and maid the samen patent entrit thairat with sick guidis and geir as they haid biggit up fyr in the samen" and still occupied the "foirbuithe the inner chalmer and the loft." In case the Defenders failed to obtemper an order to remove, they were certified that the Court would "direct and caus our officials cum and cast thaime furthe guids and geir" and "lykwayes to punische thame in thair bodies guidis and geir conforme to the lawes of this Kingdome in exampill of uthers to commit the lyik."

Rent. Richard Maitland in Hilbray, Chalmerlane of Bourtie *v.* John Reithe at the Milne of Torrie. The Pursuer produced a Factory granted to him by Elizabeth Johnstoun, widow of John Seatoun of Petmedden, dated 27 November, 1640.

Loan. John Vynons in Monimusk *v.* George Scot in Drumnahoy. A loan of 10 merks and interest. Expenses 24/-

7. **Removing.** Robert Irving of Littell Lenturk *v.* the tenants of Littell Lenturk, Ferarinetoun, Bridgend and others. Date of Sasine left blank. Notary Mr. Patrick Chalmer.

12. **Re-delivery. Raixes, &c.** Margaret Hay, widow of George Crawfuird of Annochie and Mr. Robert Gardyne, her husband *v.* Alexr. Reid at the New Kirk of Deir. The Defender in 1635 had received "in keeping ane paire of great raixes[2] and ane speit[3] vyand[4] thrie steane and ane halff pryce of the steane maid work four merks," which he was now ordained to restore.

[1] Nailed inside. [2] Andirons. [3] Spit. [4] Weighing.

1643.

July 12. **Removing.** Mr. James Gordoun, Persone of the United Kirkis of Kinnoir and Drumbennan *v.* James Skynner in Drumbennan. The subjects in question were the "Manss and Gleib" of Drumbennan. There were produced the Pursuer's Collation to the Parish, dated 15 September, 1640, and his Instrument of Institution and Sasine dated 30 September same year. Notary Thomas Duff.

19. **Removing.** Sir Wm. Gray of Pittindrum, knight, heritable proprietor of the lands of Chappeltoun and Pitblae, in the Parish of Fraserburgh *v.* George Cardno in Pitblae and Cristiane Dowertie, widow of Wm. Duncane there. Sasine 26 October, 1626. Notary Patrick Austian.

Exhibition. Helen Hay, widow of James Gordoun, sometime Fier of Crabstoun, and Captaine Robert Keithe of Hardslaikis, her husband *v.* John Gordoun, sometime of Crabstoun, then of Tulloche, and Christiane Forbes, his wife. The document sought for was a Contract or Back Bond, said to contain certain provisions in favor of the Pursuer and her first husband, the parties to it having been Mr. James Sandelands of Crabstoun, Commissary of Abd., the Defender John Gordoun, and the deceased James Gordoun. Sandelands and two Advocates in Aberdeen who were called, were assoilzied, but decree passed against John Gordoun and his wife.

21. **Rent. Sacks.** Wm. Geills in Drumdollo *v.* Thomas Duncane in Sliauche. The Defender was decerned to pay 16 merks as the price of a boll of meal which he was due as rent for a piece of ground, and also 8 merks for "tuo new secks." Expenses 40/-.

Removing. Thomas Mackkenzie of Pluscardyne, heritable proprietor of the lands *v.* Wm. Lang in Barflet in the Parish of Kearne. Date of Sasine left blank.

26. **Supplement. Rent.** Margaret Burnet, widow of Wm. Blackhall, Portioner of Finnersies, as liferentrix of the lands *v.* Gilbert Cairnie in Littill Finnersie, and Thomas Scrogie in Monecht. An Act of Court of the "third pairt lands of Finnersie and tua pairt lands of Monecht," dated 18 July, 1643, was produced.

Registration. Katherine Lumisden, widow of Mr. Richard Maitland of Auchincreiwe *v.* Richard Maitland of Auchincreiwe, son and heir of the said Mr. Richard Maitland. The deed, which was ordained to be registered, was the Marriage Contract between the deceased Mr. Richard Maitland and the Pursuer, by which there was settled on her, the liferent of Milne of Cairnefechill, in the Parish of Udny. The Pursuer had been previously married to Patrick Gordoun of Neithermuire, at which place the Contract had been signed on 9 March, 1630. Some money which Mrs. Maitland possessed at the date of the Contract was to be invested at the sight of George Gordoun of Neithermuire, and Mr. Wm. Lumisden, Advocat in Abd., both of whom, together with John Gordoun, a brother of the former, were witnesses to the signing of the Deed.

1643.

July 26. **Exhibition.** Margaret Gordoun, daughter of the late Thomas Gordoun in Fechill, and John Seattoun in Windiwalls of Meanie, her husband *v.* James Gordoun in Chappeltoune of Essilmonthe, George Gordoune in Horscruik of Balhelvie, Andrew Cruikschank in Petgersso and Robert Johnstoun in Saok of Foverane. There were specially called for (1) a Bond by John Kennedie of Carmuckis for 1000 merks and (2) a Bond by the late John Gordoun of Hiltoun for 600 merks. Robert Johnstoun and George Gordoun appeared and denied on oath having any deeds. For Andrew Cruikschank there was produced "ane testimoniall subscriuit be Mr. Johne Patersone, Minister at Foverane" (dated 18 July, 1643) "testifieing the said Andro his infirmitie and inabilitie to travell," while James Gordoun produced and delivered up the two Bonds—the sum due under the second being stated here as 300 merks.

28. **Registration.** Mr. Thomas Gordoun in Auchleuchries, as assignee of James Gordoun, lawful son of the late Patrick Gordoun of Neithermuire, as heir of the late Patrick Gordoun, his brother german, Wm. Gordoun of Brodland, and Alexr. Gordoun of Eister Garrie, his brother german. A Bond for 1000 merks, dated at Abd., 2 June, 1626, granted by Wm. Gordoun of Brodland, as principal, and Alexr. Gordoun of Eister Garrie, his brother german, in favor of Patrick Gordoun of Neithermuire "in name and behalff and as father tutor guyder and lawful administrator to Patrick Gordoun, his son," was ordained to be registered. One of the witnesses to the Bond was Mr. Wm. Straquhan, Minister at Daviott.

A Millstone. John Leith of Quhythauche *v.* John Kar in Meikle Endovie. The Defender was found liable to pay £14 for a "Milnstone" bought and not paid for.

29. **Rent.** Thomas Forbes, lawful son and heir of the late Patrick Forbes, burgess of Abd. *v.* Wm. Broun in Auld Maynes of Cluny, Robert Wat there, James Wilsoun there, Wm. Couttis sometime of Auchtercoull and Janet Gordoun, his wife. There were produced (1) Sasine dated 24 July, 1633, Notary Mr. Robert Reid; (2) Gift of Tutory (but no Tutor mentioned), dated 19 June, 1637; and (3) A Ratification by Couttis. (*Vide Supra* p. 15.) Expenses 40/- each Defender.

Augt. 16. **Removing.** Robert Johnstoun of Peitismilne *v.* John Glennie, elder, and John Glennie, younger, occupiers of Peitismilne. Date of Sasine not filled in.

Sept. 13. **Wool.** Isobel Drummond, widow and Executrix of Robert Fergussoun, burgess of Abd. *v.* Wm. Fraser at the Ower Coubill of Kincardyne, who was found liable to pay £26 16/8 for wool purchased eight years before with £3 of expenses.

Octr. 4. **Loan. Rex Dollars.** Robert Ogilbie, burgess of Bamff *v.* Wm. Lyndsay in Kingisfuird. The Defender had by ticket, dated 15 March, obliged himself to pay to the Pursuer before 7 April "sex rex dolloris extending to tuentie four merkis four schillingis Scottis money" for which decree passed.

1643.

Octr. 6. **Exhibition.** Margaret Seatoun, widow of George Chalmer of Balbithane, and George Chalmer of Balbithane, their son, who was Curator to the Pursuer "be reassone of hir infuriositie" *v.* Patrick Urquhart of Lethintie. The series of Writs specially called for, were the following (1) The Contract of Marriage between the Pursuer and the deceased George Chalmer, dated 13 June, 1598. (2) Disposition by the late John Chalmer of Balbithane to the Pursuer and her husband of the lands of Balbithane dated 2 March the same year. (3) Charter following thereon. (4) Sasine following thereon dated 9 August same year. (5) Another Charter of Maines of Balbithane, and others in favor of the Pursuer, dated 5 June same year. (6) Assignation granted by her of the "Teynd Scheaves" dated 15 June same year. (7) Crown Charter of Confirmation and Novodamus dated 15 February, 1600. (8) Crown Precept of Sasine of same date. (9) Instrument of Sasine following thereon 27 March, 1600. (10) Charter of the lands of Brodishauche by John Chalmer to the Pursuer and her husband, to be held of the granter, dated 1598. (11) Charter of the said lands, and of the same date by the same to the same, to he held of the Superior of the lands, and (12) Sasine following thereon (date blank).

Teind duty of Inverurie.[1] Sir Thomas Crombie of Kemnay, knight *v.* James Fergus in Enrourie. The Defender was ordained to pay £8 "teynd deuetie" due for crops 1642 and 1643 "for his occupatioun of certaine rudis of Inrourie, sometyme pertaining to the Laird of Wardes." Expenses 20/-

18. **Supplement. Servants' Wages.** John Straquhan and Wm. Straquhan *v.* Andrew Smith in Monecht. Each Pursuer had a separate claim and founded upon a different Act of Court. The Act founded on by John Straquhan was one of the lands of "Monecht Littill and Meikill Finnersies and third pairt thairof pertaining to Alexr. Blackhall haulden" on 28 July, 1641, in terms of which the Defender had been ordained to pay 14/-, 10 quarters harden or 10/-, "ane pair new schoone" or 6/- and 40d. "borrowit silver" for "ane halff yeiris fie." The other Act of Court was dated 18 February, 1643, by which Wm. Straquhan, sometime servitor to the Defender, was found entitled to 3 ells sufficient gray cloathe or 18/- per ell, 3 ells new harden cloathe or 4/- per ell and 4/8 "for tua pair new schoone."

Cattle—Weapons, &c. Wm. Andersone, elder, burgess of Abd. *v.* David Milne at the Milne of Collistoune. Decree passed for (1) £20 for "tua steiris" purchased at Whitsunday, 1641, (2) 19 merks for oats (3) 8 merks for "ane covering" (4) £5 borrowed money (5) 45/- for "Yrone" (6) £3 4/- for "ane pot" and (7) 10 merks for "ane suord and suord belt."

House Rent. Thomas Cowy, burgess of Abd. *v.* Nicoll Davie in Newtoun of Auchindoir. £20 for the "maill of ane hous" from Whitsunday, 1643, to Whitsunday, 1644. Expenses 40/-

[1] *Vide* Vol. I., p. 166, *et seq.*, and Vol. II., p. 492.

1643.

Octr. 18. **Forthcoming.** Robert Farquharsone of Invercald *v.* Robert Syme in Netherscheill, Patrick Donald there, Wm. Dauidsone in Slydie, James Martein in Comers and Margaret Fraser, widow of Alexr. Burnet of Ennetis, for her interest. The original obligation founded on, was one by the late Alexr. Burnet of Kebbatie to one John Duncane, for 200 merks, dated 16 May, 1608. On 10 August, 1641, Alexr. Duncane in Ennetis, brother and executor confirmed to John Duncane, obtained decree in the Commissary Court against the Defender Margaret Fraser, as Intromitter with her late husband's estate, for a balance of £100 then due. Upon this decree arrestments were used in the hands of the other Defenders, of rents due by them to Margaret Fraser, and upon 19 April, 1643, the debt, decree, and diligence, were assigned to the Pursuer.

Novr. 3. **Accounts for Meal, &c.** Alexr. Irving "sone naturall" of the late Alexr. Irving of Lenturk, and Robert Irving of Lenturk his Tutor *v.* his debtors. Twelve different debtors were sued for different debts. In each of two cases a sum of £16 was decerned for as the price of an ox.

Removing. George Patton of Ferrachie *v.* John Merser in Maynes of Leask and Arthur Ligertwood in Boigbrae. The Pursuer produced Sasine of Boigbrae and Schives in the parish of Slaynes, dated 23 November, 1626. Notary the late David Robertsone.

Rent. Robert Irving of Lenturk *v.* Thomas Shreff in Bithnie. The Defender was ordained to pay rent for his occupation of six oxengait of Littill Lenturk, two crofts of Brigend of Lenturk, the Ward of Lenturk and a hauche of the same, crop 1641. Expenses £3.

8. **Harvest Wages.** Marjorie Alexander, indweller in Abd. *v.* Gilbert Adamsone at the "fute of the Hill of Tyrbagger" and Agnes Glennie his wife. The harvest fee was 8 merks 14/- Expenses 14/-

17. **Arrears of Rent, &c.** Patrick Gordoun, Chalmerlan of Barra *v.* James Duncan in Tillimad and others. Each Defender 20/- expenses.

Rent. Marjorie Rickart, widow of James Walker in Peterheid, and liferentrix of the lands *v.* Wm. Lawrance in Auld Knok. The Pursuer's title to sue the Defender for the duties of his occupation of Auld Knok was thus deduced. (1) Contract Matrimoniall dated at Keithe, 12 December, 1605, between George, Earl Marschall, &c., who was Titular of the teind sheaves of New Knok, Auld Knok, Knokailhous and Miln lands thereof in the barony of Adan, taking burden on him for Geillis Keithe his "naturall dochter" on the one part, and John Knox of that Ilk [1] on the other part, by which, in security of a marriage provision of £1000 for his daughter on her marriage to Knox, the Earl granted the teind sheaves in question in "set and warrandice." (2) Assignation by Knox, with consent of the late William, Lord Keith, to the deceased James Walker and the Pursuer in conjunct fee and liferent, dated at Inverugie, 22 November, 1620. Expenses 53/4.

[1] There is here, as elsewhere in these Books, a very obvious suggestion of the derivation of the surname Knox. From John of the Knoks (auld and new) it is but a small step to John of the Knox, *Inde* John Knox of Knox, otherwise John Knox of that Ilk.

1643.
Novr. 22. **Forthcoming.** Mr. Wm. Dauidsone of Carny *v.* Andrew Forbes in Kineller and Wm. Wood there, and John Forbes there, for his interest. John Forbes was debtor to the Pursuer, who had arrested in the hands of the other Defenders.

Accounts for Wool. Patrick Walker, burgess of Abd. *v.* (1) Isobel Philp in Dillidaff and David Scot there, her husband, as principals, and John Aidie there, as cautioner, 34 merks; (2) John Ydill in Annagathill, as principal, and Alexr. Cleirihow in Putachie, as cautioner, 16 merks 5/4; (3) John Midiltoune in Putachie and the said Alexr. Cleirihow, his cautioner, 43 merks 3/4; (4) Wm. Ydill in Putachie and John Irving there. as cautioner, 14 merks 16d.; (5) John Reid in Glentoun and the said John Irving, as cautioner, £10 3/4; (6) Agnes Ross in Cullairlie, £5; and (7) George Johnstoun in Lamermoor, and John Smithe in Saphok and Andrew Blak in Fortrie, as cautioners, 53 merks. Expenses against each of Agnes Ross and John Ydill 10/-. Against each of the other Defenders 20/-.

24. **Rent.** John Keithe of Glakriach *v.* John Banerman in Eister Dennes. The Defender had occupied a croft on Eister Dennes, crops and years 1637, 8, 9, 40 and 41 under Andrew, Lord Fraser, whose Sasine was dated 31 August, 1638. Notary Wm. George. On 29 April, 1643, the Pursuer had an assignation of these rents from Lord Fraser. Expenses £4.

Subscription and Delivery of a Discharge. James Jamesone in Durno *v.* Alexr. Andersone of Tillikerro, wadsetter of the lands of Knowes of Durno. The Pursuer stated that his father James Jamesone had been tenant of six oxengait of Knowes of Durno, crop 1634, that he was occupant thereof in succession to his father for crop 1635, and that in 1636 he occupied a whole plough of these lands. He averred that he had paid all the rent due by his father and himself, and claimed a sufficient discharge, which the Defender was ordained to subscribe and deliver. The rent of the six oxengait of Knowes was "tualff bollis wictuall thrie firlotis horss corne ane dissone hennes nyne capons thrie quarteris of ane wadder and thrie quarteris of ane lamb ane guiss and ane half."

29. **Bond. Submission. Death of Arbiter.** John Watsone in Midgullie *v.* Mr. Wm. Lunan there, as principal, and James Bisset in Newgullie, as cautioner. This decree was for the price of 60 bolls of oats to be proved and valued in a certain way. Owing to the death of an arbiter, there was no decree arbitral and the Pursuer sued for the Fiars price which was 5 merks per boll. Expenses £3.

Linen. A Joup. A Mare. Janet Lumsden, widow of Alexr. Lumsden of Eister Clova *v.* (1) Thomas Morgne in Auchlyne, 13/4 "for ilk elne of nyne elnes clothe small lining receavit be him from the persewar to have woven in anno 1638;" and (2) Andrew Williamsone in Duncanstoun 7 merks for the "pryce of ane Joup" [1] and £12 for a mare. Expenses Morgne 20/-, Williamsone 33/4.

[1] Lady's cloak or mantle.

1643.
Novr. 29. **Damage by Trespass. A Quey. Loans, &c.** Wm. Layng in Tillymair *v.* (1) James Leslie in Bredfuird "ten bollis pryce[1] cornes eatin be his guids of the persewars cornes on the toun & lands of Hayboigis cropt i^m vi^c fourtie tua yeiris with thrie bollis calf & foill[1] corne pryce of the boll four pundis Mair ten punds for "ane Coyak"; (2) George Smithe in Fermtoun of Pulflug and others for repayment of loans with interest.

Decr. 6. **Bond.** Alexr. Hay in Corridown *v.* John Meldrum, Portioner of Thomastoun. This was an obligation to pay and deliver six bolls of oats with the fodder at five merks per boll.

1644.
Jany. 13. **Rent. Not Entering to Service.** George Leslie of Rothmeyis *v.* (1) James Thomsone in Melingsyid, 14 merks for the rent of a house and croft in 1643 and (2) Janet Couper in Cornhill "four pundis money ane peck of meill pryce ten shillingis ane pair of schoone pryce ten shillingis be reasone [she] fied hirselff with the said persewar for the space of harvest and fullfilled not hir promiss."

Rent. Mr. John Forbes, Parsone of Kincardyne, heritable proprietor of the lands *v.* Thomas Schirreff in Bethnie. The rent of Tulloche croft, crops 1642 and 1643. Expenses £4.

17. **Supplement. Rent, &c.** Wm. Duguid of Anchinhuiff *v.* John Straquhan in Blelock and John Gray there. The Act of Court was dated 30 January, 1643. The price of an ox, being 20 merks, was among the items decerned for.

19. **Removing.** Alexr. Keithe of Midbeltie, heritable proprietor of the lands *v.* Robert Irving of Lenturk and Thomas Fraser in Bandar. Sasine 10 September, 1638. Notary Alexr. Dunie.

28. **Violent Profits.** George Pattoun of Ferroquhie *v.* Arthur Ligertwood in Boigbrae and John Merser in Maynes of Leask. The Defenders who had failed to remove in terms of a Decree of Removing [*Supra* p. 22] were now found liable in violent profits, with £3 each of expenses.

Rent. The same Pursuer *v.* John Kennedie of Carmuckis and John Merser in Leask. By lease dated 24 January, 1637, Wm. Leask of that Ilk let to George Kennedie of Kirkhill, for five years from Whitsunday, 1637, "the Maynes of Leask with the Manner place lyand within the Parochine of Slaynes," at a rent of 600 merks and £4 of "teynd siluer." On 10 June same year, Leask assigned his rights under the lease to the Pursuer, his wife Margaret Wishart, and Mr. Alexr. Pattoun, their son. John Kennedie, the Defender having succeeded to his brother George, became liable for the rent, which for the year 1642 was unpaid, and was now decerned for. The claim against Merser was for rent crop 1643, of "that pleuche of the shaddo side of the Maynes of Leask quhilk was sumtyme occupied be John Blak" and then by Merser, of which a Sasine was produced. Rent 200 merks. Expenses against Kennedie 45/-, against Merser 26/8.

[1] These terms are of frequent occurrence, but the Editor has not been able to find their exact meaning.

1644.

Feby. 7. **Removing.** Wm. Forbes, fear of Corsindae, heritable proprietor of the subjects *v.* Alexr. Burnet in Kebbatie, James Marteine there, James Laurance there, James Burnet in Slydie and Wm. Davidsone there. Sasine of Kebbatie and Slydie in Midmar, dated 15 September, 1643. Notary James Robertsone.

14. **Forthcoming.** John Fraser of Wattertoune *v.* George Leslie in Litle Clintertie, Marjorie Leithe his mother, Andrew, Lord Fraser, and John Fraser of Clintertie for his interest. By Bond, dated 19 June, 1633, and registered in the Commissary Court Books 26 June, 1638, John Fraser of Clintertie and Catherine Fraser his daughter, became bound to pay to the Pursuer £137 of principal, with interest and penalty. The money being still unpaid, arrestments had been used in the hands of the other Defenders on 13 and 14 December, 1643.

Rent. Deterioration of Buildings, &c. Mr. Hew Irving of Beildsyid *v.* Andrew Irving, sometime in Beildsyid, then in Abd. The rent sued for was in respect of the Defender's occupation of half a plough of Beildsyid, crop 1641. Lease dated 30 September, 1640. Expenses £4.

Correction Cloth. Alexr. Farquhar, burgess of Abd. *v.* Mr. James Skeyne, Notary in Turreff. Decree passed for £9 "for correctioun clothe coft and receaveit," with 20/- of expenses.

28. **Rent.** Katherine Forbes, widow of James Mowat, burgess of Abd. and liferentrix of the lands, *v.* Wm. Scott in Broomhill, Wm. Grove there, Katherine Watsone there, David Sinclair in Lendrum, Andrew Sinclair there, Thomas Cocar there, and John Watsone there. The Defenders were ordained to pay their respective rents for 1642, with 12/- each of expenses. Sasine dated 16 August, 1608. Notary the late George Barone.

Wool. Gilbert Skeyne, burgess of Abd. *v.* (1) John Milne in Tillienessil, 26 merks (2) John Sowdan at the Milne of Awfuird, and James Jop in Quhythauche his cautioner, 9 merks (3) George Smithe in Ryhill, 16 merks (4) Alexr. Andersone in Rowrandell, 8 merks, aud (5) Wm. Touche in Knokandoche 8 merks, all for wool purchased from the Pursuer. Expenses, Milne 20/- the others 13/4 each.

April 30. **Rent.** Mr. James Straquhan of Fettercarne *v.* Gilbert Buchane, sometime in Maynes of Arnage then in Blindburne. Certain arrears of rent of Maynes of Arnage, crop 1641, were decerned for, with £3 of expenses.

June 9. **Merchandice.** Robert Smith, burgess of Abd., as assignee of Walter Nidrie in Fetterangus, Merchand burgess of Bamff *v.* nine debtors.

Loan. Ticket. Patrick Chalmer in Auldquhat *v.* Alexr. Forbes, fiar of Greines. A Ticket dated 10 June, 1640, containing 16 merks of principal, was produced and founded on.

1644.

June 18. **Not entering to Service.** Wm. Forbes in Cottoune *v.* David Meany in Culter. The Pursuer obtained decree for "four pundis money with thrie elnis of grayis or then thrie punds for the samen thrie pair of shoone or then threttein shilling four pennies for ilk pair thairoff ane sark or then auchtein shillingis and that be reasone the defender fied himselff with the said persewar and promisit faithfullie to have servit him from Witsonday last to Mertimes nixt and hes not entrit to his service." Expenses 12/-

21. **Removing.** John Donaldsoun of Hiltoun, heritable proprietor of the lands *v.* John Gordoune in Litle Arnage, occupier of the "shaddow halff" thereof. Sasine dated 15 September, 1638. Notary Mr. James Cheyne.

July 19. **Rent.** Margaret Hay, widow of George Craufurd of Annochie and Mr. Robert Gardyne, burgess of Abd., her husband *v.* George Will in Quhythill and Robert Kynneir at the Milne of Quhythill, both in the Parish of New Deer. The female Pursuer was liferentrix of the lands. Expenses £3 each Defender.

Buying off from Military Service. Servants' Wages, &c. Alexr. Gordoun of Kincraigie *v.* John Smyth in Daaes. (1) "The sowme of fourtie marks money promeist be him" [the Defender] "aucht dayes befoir Witsonday and that be reassone the said persewar gat him off from James Gordoun fear off Terpersie for being of ane sojour" and (2) "Mair aucht punds for inlack of his service from Witsonday 1m vic fourtie four to Mertimes nixt." Expenses 40/-

24. **Accounts for Meal.** Wm. Forbes of Tombeg *v.* James Sueip in Rorandle, John Robertsoun in Bridghall, Alexr. Hall in Auquhorsk, John Burnet in Bucharne, John Blair there, Wm. Andersoun in Tilligownie, Alexr. Ross in Carnbadie, Thomas Schirreff in Bithnie, Duncan Gordoun in Boig of Cromar, John Fyff at the Mylne of Melgome, Patrick Ross at the Mylne of Cultis and James Chalmer in Hilheid. Decree passed against all these, for separate accounts. Expenses 10/- each.

26. **Accounts for Meal.** Patrick Ross, servitor to the Laird of Fedderat *v.* Gilbert Johnstoun in Drumnahoy, Wm. Davidsone in Eister Echt, John Allane in Corsindae, John Combenn in Aboyne, Wm. Smith in Eister Beltie, Robert Cobbane in Midbeltie, George Cardno in Cremonmogat, Michaell Jaffray in Auchredy, John Lessell there, Wm. Bannerman in Asleid, David Gordoun in Knapernahill, Andrew Will in Auchoch, George Greig there, Christiane Browne in Auldquhat, Wm. Forbes at the Mylne of Eacht, Alexr. Donald in Kinairnie and Wm. Urquhart in Bethangie. Expenses 20/- each.

3. [1] **Registration.** John Fraser of Sklaittie, heir of the late John Fraser of Sklaittie, his father *v.* John Meldrum of Auchneiwe. There was ordained to be registered for execution at the instance of the Pursuer, a Bond granted in favor of his father, by the Defender, as principal, and the late John Leslie, burgess of Abd., as cautioner, for 400 merks of principal, dated 22 November, 1632. One of the witnesses to the Bond was Robert Keith of Roishauch.

[1] This decree and the two decrees following it were entered out of date.

1644.

July 12. **Loan. Year's Interest.** Alexr. Lumsden, fear of Tullicairne *v.* John Leith of Quhythauch, as son and heir of Patrick Leith of Montgarie. (*Vide supra* pp. 5, 16.)

18. **Bond of Provision.** Katherine Gordoun, daughter of the late Sir James Gordoun of Lesmoir, knight, and Mr. John Abercromby, Advocate, her husband *v.* Sir James Gordoun of Lesmoir, knight baronet, as heir of the late James Gordoun, his father, and his tutors and curators. By Bond, dated at Abd., 26 September, 1633, the father of the Defender had bound himself to pay to Katherine Gordoun [the Pursuer] and Anna Gordoun, his sisters german, £10,000 at the "compleit" age of 16 years. This Bond had been produced in the Court of Session, and transumed or registered in some form, on 21 December, 1643. The Act of the Lords thereanent, was produced, along with the Defender's service. On considering these, together with parole proof of the Pursuer's age, the Sheriff depute decerned for £5000 with £6 of expenses.

Augt. 17. **Removing.** Isobell Gordoun, widow of the late John Gordoun of Brux, liferentrix of the lands and barony of Tollie and pertinents, Culfork, Clashlowny, Cullfuird, Staycrofts, Ower and Nather Towie, Torrietrune and Cushrachie *v.* Arthur Forbes in Ower Towie, Elspet Forbes his mother, Robert Forbes there, George Robertsoun there, Jean Elmslie there, Arthur Forbes in Auldtoun of Towie, James Durie in Staycroftis, Duncan Thomson in Culfork, Wm. Andersoun there, Alexr. Watt there, John Reid in Clashlownie, Wm. Couttis of Auchtercoull, George Gordoun of Tillachowdy, Alexr. Erskyn of Barnes, Alexr. Forbes of New, Arthur Forbes of Invernochtie, Duncan Thomson in Fechill, Alexr. Forbes in the Milltoun of Tollie and John Smith there. Sasine dated 11 July, 1625.

24. **Registration.** John Donaldsone younger burgess of Abd. *v.* Alexr. Ingrahame, who had been charged to enter as only lawful son and heir of the late Andrew Ingrahame, Litster burgess there, and his tutors and curators. The Bond, which was ordained to be registered, was one granted by the deceased Andrew Ingrahame, in favour of the Pursuer, for 170 merks, dated 23 July, 1642. Letters of Charge and executions were produced.

1645.

Jany. 14. **Bonds. Liability of Heirs.** Andrew Hantoun in Glasco *v.* Bessie, Margaret, Helen and Agnes Ogiluy, daughters and heirs or charged to enter as heirs of the late Andrew Ogiluy in Peterheid. The grounds of debt were (1) a Bond dated 9 March, 1630, and registered in the Sheriff Court Books, 27 November, 1632, granted by the deceased to Andrew Phinny, Skipper in Peterheid, for 432 merks and (2) a Bond dated 18 January, 1633, granted by the deceased, and Wm. Hantoun in Southessie as his cautioner to the said Andrew Phinny, for 275 merks. Both Bonds had been assigned by Phinny to the Pursuer on 28 July, 1642, and 11 January, 1643, respectively.

1645.

Feby. 7. **Exhibition.** Elspet and Christane Cromby, lawful sisters and co-heirs of Sir Thomas Cromby of Kemnay, knight, and John Gordoun and Robert Smith, burgesses of Abd., their husbands *v.* Dame Margaret Ker, widow of Sir Thomas Cromby. The Defender was ordained to produce in Court for delivery to the Pursuers (1) Disposition of the lands and barony of Kemnay, granted by Sir Wm. Douglas of Glenbervie, knight, in favor of the deceased, with the Charter and Sasine following thereon (2) Disposition of the lands of Craigearne, granted by Sir Alexr. Gordone of Cluny, knight, to the deceased, with Charter and Sasine following thereon (3) Bond by George Marques of Huntlie to the deceased, for 5000 merks, which was said to be "heritablie conceavit" (4) A similar Bond by Mr. James Farquharsone and his cautioners for 4000 merks (5) An Inventory of the Titles of both Kemnay and Craigearne, and Rentals of the same and (6) All other writs relating to these estates. The Pursuers produced their services to their brother : but no dates are given of them, or of the Title deeds above mentioned.

26. **Rent.** Alexr. Gray in Peterheid, heritable proprietor of the lands *v.* John Davidsone in Auchlie, occupier of eight oxengait of Auchlie in the Parish of Peterheid and Barony of Aden. In support of his claim the Pursuer produced Contract of Wadset, dated 11 July, 1622, with Charter and Sasine following thereon, and also an Instrument of Intimation [presumably to the tenants] of his "haill richtis of the lands," dated 6 June, 1630. Notary John Stratoun. Expenses £6.

Sept. 30. **Registration.** Andrew Watsone, Flesher burgess of Abd. *v.* Wm. Burrie, son of, and who had been charged to enter as heir to Patrick Burrie, Skinner burgess of Abd. his father. Two Bonds were registered, dated 16 September, 1644, and 20 February, 1643, for the sums of 800 and 580 merks respectively. Among the witnesses to the bond of 1644 were Gilbert Guthrie, Chirurgeon, burgess of Abd., John Duffus, burgess, and John Turnour, Fermorer in Abd. It was written by John Hunter, Notary Public. The second bond had been written by a Clerk to Mr. John Chalmer, the Sheriff Clerk, and witnessed *inter alios* by Thomas Paip and Alexr. Blak, burgesses, and Wm. Watsone of Haddo.

Octr. 1. **Loans.** Mr. Roger Mowat of Drumbreck, Advocatt *v.* Andrew Leslie, eldest lawful son and apparent heir of the late Robt. Leslie, burgess of Abd. The deceased had granted four bonds to different parties for various sums, to which the Pursuer had acquired right by Assignation.

Novr. 26. **Delivery. Heirship Moveables.** Elspet and Christane Cromby, sisters of the late Sir Thomas Cromby and Robert Smith, burgess of Abd., husband of Christane Cromby *v.* Dame Margaret Ker, widow of Sir Thomas Cromby. The sisters sought Decree of Delivery of half the heirship moveables, or otherwise that the widow should find caution for their delivery at her death, as good as they were at the time of her husband's decease. In spite of pleas that she was liferentrix under her husband's Will, and entitled to the beneficial use of the various articles libelled, which she could not have without a certain amount of deterioration, decree passed against her. [*Vide* Illustrative Examples infra.]

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1645.

Decr. 5. **Marriage Contract Provisions. Widow and Heir.** Isobel Mill, widow of Robert Leslie, burgess of Abd. *v.* Andrew Leslie, son and heir of the deceased, or at least charged to enter as heir. By Marriage Contract, dated 26 March, 1629, entered into between the late James Leslie, Maltman, and his only son, the deceased Robert Leslie, on the one part, and the late Mr. Andrew Milne, Parsone of Fetteresso, and his eldest daughter, Isobel [the Pursuer] on the other part, the father of the bride provided 2200 merks of tocher, which was to be lent out, as a provision for the spouses and survivors in liferent, and the heirs of the marriage in fee, The deceased Robert Leslie got the money, but never set apart and invested it, which the Defender as his heir was now ordained to do. The date of Robert Leslie's death was 13 September, 1644, from which it appears probable that he was one of the slain at the fight at the Justice Mills.

1646.

April 8. **Lease. Declarator of Nullity.** Mr. Andrew Cant, "ane of the ordinar Ministeres of Abd.," and Margaret Irving, his wife *v.* George Wood, lawful son of the late Wm. Wood of Colpnay. The Pursuers were wadsetters of the lands of Litill Colpnay, under reversion of 5000 merks. By the Contract between the parties, dated 15 June, 1643, the lands were let to the Defender during the not redemption, on certain terms. This Contract contained an irritant clause, by which it was provided that if the Defender failed in any year, to pay the stipulated rent, the lease should be null and void, and the Pursuer entitled to enter on actual possession. In the circumstances set forth in this decree, the Sheriff pronounced Declarator of Nullity. It ought to be added that, by the terms of the Contract, the Sheriff or Commissary were *ex consensu partium* to be competent judges.

June 10. **Transumpt or Registration.** By a former decree of the Court, dated 21 February, 1645,[1] at the instance of Andrew Birny, burgess of Abd. *v.* Adam Watsoun and George Duncane, burgesses, the Defenders were ordained to exhibit and produce a Bond of Relief, which had been granted by Duncane to his late father John Duncane, also burgess, dated 11 November, 1639. In obedience to the former decree Mr. Alexr. Davidsone, Advocate in Abd., as procurator for Watsoun and George Duncane, now produced the Bond, which was then registered in the Books.

17. **Marriage Contract Provisions. Enforcement against Heir.** Marie Annand, widow of Thomas Lindsay, burgess of Abd., and wife of Patrick Farquhar *v.* Wm. Lindsay, son and heir of Thomas Lindsay, or charged to enter as heir, and his Tutors and Curators, if any. By Marriage Contract, dated 29 April, 1633, entered into between the deceased Thomas Lindsay and the said Marie Annand, with consent of Mr. David Lindsay, Persone of Balhelvie, the said Thomas Lindsay bound himself and his heirs to secure his promised wife in a liferent of ten chalders "victuall halff bear halff meill good & sufficient merchand stuff and mett" or alternatively 1000 merks per annum. Thomas Lindsay having died in March, 1643, without having implemented his obligation, this decree was pronounced against his son and heir. In proof of Thomas Lindsay's death, there was produced "ane ticket subscriuit be Thomas Cowy Sacrister of the Burgh of Abd."

[1] This former decree was not engrossed in the Decree Book.

1646.
June 17. **Registration.** Agnes and Jeane Annand, lawful daughters of the late Alexr. Annand of Achterellon and Mr. Robert Traill, Minister at Elie, husband of Jeane Annand *v.* Wm. Lindsay, eldest lawful son and apparent heir of the late Thomas Lindsay in Auchrony, and charged to enter as heir, and his Tutors and Curators for their interest. On 3 December, 1637, the late Thomas Lindsay granted a Bond to the Pursuers for 200 merks, which was now ordained to be registered for execution against the Defender as his heir. The Bond had been signed at Findlastoun before witnesses, Wm. Annand of Caterlen and Mr. Andrew Stewin, Minister at Fetteresso.

24. **Exhibition and Delivery.** Elspet and Christane Crombie, sisters and co-heirs of Sir Thomas Crombie of Kemnay, and Robert Smith, husband of Christane Crombie, for his interest *v.* Dame Margaret Ker, their brother's widow. By this decree the Defender was ordained to produce and deliver up two Bonds granted to the deceased, one by the Marquis of Huntlie for 5000 merks and the other by Mr. James Farquharsone of "Whythous off Cromar" for 4000 merks, the dates of which were not specified.

27. **Forthcoming.** Marie Annand, widow of Thomas Lindsay, burgess of Abd., and Patrick Farquhar, burgess of Abd., her husband, for his interest *v.* John Donaldsoun, elder, Alexr. Ramsay, George Davidsoun, elder, and Henry Dempster, all burgesses of Abd., and Wm. Lindsay, son and heir, or charged to enter as heir to the said Thomas Lindsay, his father, who was heir of the late Wm. Lindsay, his father. The Decree of 17 June preceding, against the Defender Lindsay (*Supra* p. 29) was founded on and produced, and also executions of arrestments in the hands of the other Defenders, who had granted Bonds in favor of the Defender's grandfather, which being heritable, had come to him by progress.

Forthcoming. Agnes Annand, daughter of the late Alexr. Annand of Auchterellon for herself, and as assignee of her sister Jeane Annand, wife of Mr. Robert Traill, Minister at Elie *v.* John Dempster, Flesher burgess of Abd. and Wm. Lindsay, eldest lawful son and heir of Thomas Lindsay, sometime in Auchrony, aud his Tutors and Curators, if any, for their interest. This was another decree of forthcoming, proceeding upon the former decree of 17 June (*Supra*), and an arrestment in the hands of Dempster who had granted Bond to Wm. Lindsay the Defender's grandfather, to which the Defender had succeeded as in the immediately preceding entry.

1647.
Febry. 5. **Registration.** John Pantoun in Parkyok *v.* John Meldrum of Auchneiwe, and Patrick Leslie of Quhythall, late Provest of Abd. On 20 November, 1635, the Defenders, as principal and cautioner respectively, granted a Bond in favor of the late Arthur Folla in Catie for 500 merks. On Folla's death he was succeeded by the late Patrick Knicht in Balcairne, his sister's son and his heir. He in his turn, was succeeded by his son and heir Alexr. Knicht, who assigned the Bond to the Pursuer, for execution at whose instance this decree was pronounced.

Registration. The same Pursuer *v.* Wm. Seatoun sometime of Udny and then of Meany and Alexr. Seatoun of Kinloch. A Bond for 400 merks dated 30 May, 1635, granted by the Defenders as principal and cautioner respectively, was ordained to be recorded for execution at the instance of the Pursuer, whose title proceeded from the late Arthur Folla, as detailed in the preceding entry.

1647.

Feby. 5. **Registration**. The same Pursuer *v.* Robert Seatoun sometime in Drumbreck then in Reavinshauch (principal) and Wm. Seatoun of Minnes, Alexr. Johnstoune at the Meikill Myln of Esselmonth and Mr. James Clerk of Tillicorthie (cautioners). The Defenders had granted a Bond to the late Arthur Folla for £100, dated 16 and 24 July, 1641, to which the Pursuer had acquired right as in the two preceding cases.

Registration. The same Pursuer *v.* Mr. George Seatoun, sometime of Orchardtoune. A Bond for 400 merks dated 18 November, 1644, on which the Defender was cautioner for Wm. Seatoun of Schethin, in favor of the late Arthur Folla, to which the Pursuer had acquired right as in the foregoing paragraphs.

April 9. **Rent.** Wm. Seatoun of Mynnes *v.* Thomas Mill in Munkishill, who had occupied two ploughs of the Haddo of Fywie, in 1645 and 1646. The Defender admitted his indebtedness, but not the prices, and the decree was in terms of his admissions.

May 12. **Rent.** Andrew Beatoun, lawful son to the Laird of Balfour, heritable proprietor of the lands *v.* The tenants of Strathbogie and "George Gordoune of Knokaspak, Chamberlane of the lands to George Gordon, sometime Marques of Huntlie, from quhom the lands ar appryisit at the persewars instance or at the leist uptaker receawer meller and intromettor with the haill particullar dewties" specified in the decree, for the years and crops 1640 to 1646 inclusive. Sasine dated 3 February, 1640. Notary Alexr. Beatoun.

1648.

Feby. 9. **Desertion of Farm.** Alexr. Straquhane, elder of Glenkindy *v.* Francis Hay in Kellie. The Defender had taken a five years' lease of Newbigging, from Whitsunday, 1644, and had entered on possession, but thereafter deserted the farm, although bound to give personal residence, leaving "the samen waist." He was now ordained to re-enter, live upon the farm and pay the rents, Expenses £4.

23. **Supplement. Rent.** Alexander, Lord Forbes of Pitsleigo and Alexr. Forbes of Boyndlie, his Tutor *v.* The Tenants of Cromar. Most of the tenants were sued for the rents of 1643 to 1646 inclusive. A "reik hen" at 3/4 appears to have been in many cases one of the items payable. "Ane Rolment and Decreit of ane fenced court" of the lands, held on 23 October, 1647, was founded on.

Rent. Mr. Alexr. Leask, Minister at Maryculter, heritable proprietor of the lands *v.* Wm. Leask of that Ilk. The rents of the lands of Auchmad in Slaynes, from 1637 to 1647 inclusive, were claimed. Wm. Leask of that Ilk, the Pursuer's father, had liferented the lands until his death in August, 1636. Subsequently to that date the Defender had uplifted the rents. The Pursuer's infeftment was dated 21 April, 1603.

1648.

April 12. **Bond and Ticket. Liability of Heirs Portioners.** David Rickart, burgess of Abd. *v.* Janet and Christane Stewart, "oyes" [grand-daughters] and "co-aires" of the late George Stewart, burgess of Abd. their "guidsir" [grandfather], or at least charged to enter as such, and their Tutors and Curators, if any. The Defenders were found liable to pay 1000 merks of principal, 300 merks of liquidate expenses and interest since Whitsunday, 1644, contained in a Bond granted by the deceased to George Rickart, burgess of Abd., on 13 January, 1643, and assigned by him to the Pursuer on 14 January, 1648. Farther they were found liable for £200 contained in a Ticket dated 26 March, 1639, granted by Stewart to George Davidson, elder burgess of Abd., and assigned to the Pursuer on 19 August, 1646.

14. **Bond and Ticket. Liability of Heir.** John Forbes of Pitnacaddell for himself, and as Confirmed Executor of James Forbes, his brother german *v.* Thomas Fraser, eldest son and apparent heir of Thomas Fraser, younger of Streichen, his father, and "oy" and apparent heir of Thomas Fraser, elder of Streichen, his "guidsir," or at least charged to enter as such, and his Tutors and Curators, if any, and George Tailzeor of Carmichaell. The debts for which the Defender was found liable were (1) 186 merks contained in a Ticket subscribed by his grandfather, dated 2 June, 1638, in which the Pursuer was the creditor, and (2) Bond for 2000 merks of principal dated 2 June, 1643, granted by the Defender's grandfather as principal and by his father and the said George Tailzeor as cautioners, in favor of the late James Forbes. No dates of deaths or of the Pursuer's Confirmation were given.

Registration. The same Pursuer for himself and as assignee as after mentioned *v.* the same Defender. There were ordained to be registered for execution against the Defender (1) Bond for 2100 merks dated 3 April, 1637, granted in favor of the Pursuer by Thomas Fraser, elder, of Streichen, as principal, and by Thomas Fraser, younger, of Streichen, and his brother german, Hew Fraser of Tyrie, as cautioners. (2) Bond of the same date for 2200 merks by the same principal and cautioners in favor of Marjorie, widow of John Forbes of Pitnacaddell and failing her by death to the Pursuer; (3) Bond, dated 26 November, 1642, for £3000 by the said Thomas Fraser, the younger, and Hew Fraser to Wm. Forbes of Thombeyg, the Pursuer's brother, which was assigned to the Pursuer on 11 January, 1648; (4) Bond, dated 30 November, 1643, for £1000 by the same to the same, also assigned to the Pursuer on 11 January, 1648; and (5) Bond, dated 4 June, 1638, for £1000 by the said Thomas Fraser, elder and younger, to George Forbes, lawful son of the late John Forbes of Pitnacaddell, who had assigned it to the Pursuer on 26 December, 1647. Among the witnesses to the two Bonds of 3 April, 1637, were John Lessell, Notary Public at the Kirk of Auchredy, Patrick Chalmer, at the Mill of Streichin, Alexr. Forbes, brother german of John Forbes of Pitnacaddell, and Mr. Thomas Forbes, son of the late Wm. Forbes of Corsindae. To the Bond dated 4 June, 1638, one of the witnesses was Wm. Dalgardno of Blakwatter.

1648.

May 26. **Bonds. Liability of Heir.** John Udny in New Place of Balbithane, as assignee "eftir specifiet and haveing richt to the bands eftir mentionat and soumes of money eftir rehearsit thairin conteynit in maner eftir declairit" *v.* "Thomas Fraser, now of Streichen, sone and air to umquhill Thomas Fraser, younger, of Streichen, his father, and Oy and air to umquhill Thomas Fraser, elder, off Streichen, his guidsir, at the leist appeirand air to them at the leist lawfullie chargit to enter air to them within fourtie dayes conforme to the Act off Parliament at the leist beareing and behaweing himselff as air to them be intromissione with thair airshipe guides & geir At the leist universall successor to them in their lands & heretages Titulo lucrativo post contractum debitum and his tutors and curators if he any hes for thair entressis."[1] The Bonds to which the Pursuer had acquired right by Assignations and Translations, and the amount of which with interest and penalties the Defender was ordained to pay were (1) Bond by the late Thomas Fraser, apparent of Streichen as principal, and John Udny, sometime of Belhelvie, then of that Ilk, as cautioner, in favor of Patrick Fergusone, Merchand, burgess of Abd., for 2000 merks, dated 31 May, 1644, with 600 merks of penalty and interest at 10 per cent. This Bond had been assigned by the Grantee to George Farquhar, Merchand, burgess of Abd., and by him to the Pursuer; (2) Bond by Thomas Fraser, elder and younger, in favor of John Udny of that Ilk, for 2000 merks, dated 7 July, 1636, which had been assigned, with the interest from Whitsunday, 1644, to the Pursuer; (3) Bond by Thomas Fraser, the younger, to John Udny of that Ilk, for 1800 merks, dated 28 November, 1639, also assigned to the Pursuer, with interest from Whitsunday, 1644; (4) Bond by Thomas Fraser, the younger, in favor of Mr. John Patersone, Minister at Foverane, and Bessie Ramsay, his wife, for 1000 merks, dated 29 November, 1642, assigned to the Pursuer, also with interest from Whitsunday, 1644; (5) Bond by Thomas Fraser, the elder, in favor of George Fraser, his fourth lawful son, for 4000 merks, payable at the first term of Whitsunday or Martinmas after the granter's death, dated 20 October, 1643. This Bond was assigned to the Pursuer with interest from the granter's death, the date of which, however, has not been filled in; and (6) Bond by Thomas Fraser, the younger, to George Moriesone, lait Baillie of Abd., for £1000, to which, with interest from Whitsunday, 1645, the Pursuer had acquired right. The date of all the Assignations to the Pursuer was 1 January, 1648. Along with the Bonds and other writs there were produced the Letters of Charge to the Defender to enter as heir, and the executions thereof.

Novr. 24. **Removing.** Mr. Roger Mowat of Drumbreck, heritable proprietor of the lands *v.* Thomas Gordoun of Dilspro and Margaret Allardes, his wife. There was produced for the Pursuer Letters of Horning against the Defender, by which he was debarred from defending, and also an Extract of his Sasine extracted from the Clerk Register's register for the Sheriffdom of Abd., under the hand of Thomas Mowat, Clerk and Keeper thereof.

[1] The above quotations show the style of a summons of this nature at the period.

1648.

Decr. 1. **Bond. Liability of Heir.** Henry Nicoll in Cortanes, Jealles Hog, his wife, and James and John Nicoll, their sons *v.* Sir Wm. Gordoun of Lesmoir, knight baronet, as heir served to the late Sir James Gordoun of Lesmoir, knight baronet, who was son and heir to Sir James Gordoun of Lesmoir, designed in the Bond after mentioned as James Gordoun, "fear" of Lesmoir. Decree passed against the Defender for 1000 merks of principal, 300 merks of liquidate penalty and interest from Whitsunday, 1643, conform to Bond granted by the said James Gordoun, "fear of Lesmoir, as principal, and by the said Sir James Gordoun, his guidsir," as cautioner, dated 6 June, 1634, and registered in the Books of Council and Session, 8 May, 1637.

Rent.[1] Mr. John Ray, lawful son of the late Mr. Wm. Ray, Advocat in Abd., and "ane of the Regents of the Colledge Marshall of Abd." *v.* James Robertsoun in Nather Ochbeggis and George Robertsoun in Mid Ochbeggis in the Parish of Glass. The rents sued for were those for the years 1640 to 1648 inclusive. Two Sasines were produced but their dates were not given.

1649.

Jany. 17. **Bond. Liability of Heir.** John Fleyming, servitor to the late Malcome Fleyming, Merchand, burgess of Edinburgh *v.* Alexr. Andersone, son and apparent heir, or charged to enter as heir, to the late Alexr. Andersone, Merchand, burgess of Abd. The Bond for which the Defender's liability was established was one for £957 12/6, as the price of merchandise, dated 18 October, 1647, and registered in the Books of Council and Session 1 December same year, granted to the said Malcome Fleyming. Andersone, the elder, died in December, 1647, and the Bond was assigned to the Pursuer on 18 April, 1648. A Ticket under the hand of Thomas Cowy, Sacrister of the Burgh of Abd., was produced to prove the death of the Defender's father.

26. **Registration.** James Andersone, burgess of Abd., *v.* the same Defender. The Bond in this case was one for 600 merks, dated 3 August, 1646, granted by the Defender's father to John Andersone at the Walk Miln of Logydurno [also called Craigtowie] and by him assigned to the Pursuer on 6 June, 1648.

Feby. 14. **Registration.** Mr. Alexr. Davidsoun, Advocate, sole surviving Executor of Jean Gowe, widow of Wm. Lindsay, burgess of Abd. *v.* Wm. Lindsay, lawful son and heir, or charged to enter as heir, to the late Thomas Lindsay. The Bond, which was ordained to be registered for execution against the Defender, was one for 300 merks, dated 1 March, 1643. One of the witnesses had been Alexr. Chalmer, "lait Dean of Gild," burgess of Abd.

28. **Rent.** Robert Lumsden of Cushnie *v.* Alexr. Calder, sometime in Cushnie. The rent for Maynes of Cushnie, occupied by the Defender, had been fixed by an obligation dated 12 October, 1641, but a wadset right had thereafter been granted in favor of Calder, which had not been discharged until Whitsunday, 1647. The rent for crop and year 1647 was the subject of this action, which was keenly contested. The discharge of the wadset had gone amissing and its date was disputed, a receipt for rent crop 1648 was pleaded as having closed the door against any claim for the previous year, and the prices of victual were in dispute. In the end the Pursuer was successful on all points. Expenses £8.

[1] This Decree was entered after a Decree of 13 June, 1649.

1649.

Feby. 28. **An Officer's Head Gear, &c.** Capitane Robert Keith now in Tulloch, as assignee of Capitane George Keith *v.* Major George Forbes in Abd. This was an action for delivery of "ane extraordinarie good new baver hatt pryce thereoff ane hundreth pundis Scottis money with ane verie good gold hatband worth fyftie punds and ane faire plumage worth tuentie punds togidder with fywe elnes & ane halff elne of the best Spanish cloath that he culd get pryce of the elne threttie punds conforme to ane ticket subscriuit and grantit be the said Defender to the said Capitane George Keyth designit therin Livetenent to the richt honorabill Livetenent Colonell Francis Sincler," dated 21 June, 1636, and assigned to the Pursuer on 11 September, 1641. After hearing witnesses as to value, decree passed for £100 for the hat, £20 for the hatband, £6 for the plumage and £20 per ell for the Spanish cloth, with £6 of expenses.

Trespass of Cattle. Damage.[1] Alexr. Mowat at the Bakmylne of Buquhollie *v.* Wm. Lindsay in Yewbrae. The trespass was in the year 1648. Expenses £4.

Bonds. Liability of Heir. George Moriesone lait Baillie burgess of Abd. as heir of Barbara Fergusone his mother *v.* Robert Hay at the Miln of Gathous as son and heir, or charged to enter as heir of Alexr. Hay, sometime of Findlastoun. Decree passed for the sums due under (1) Bond for 300 merks dated 31 May, 1624, and registered in the Books of Council and Session 29 November same year, granted by the deceased Alexr. Hay to George Johnston, elder burgess of Abd., and by him assigned to Barbara Fergusone by Assignation dated 30 May, 1625, and registered in the Baillie Court Books of Abd., 9 August same year and (2) a Bond for 500 merks dated 30 May, 1618, and registered in the Books of Council and Session 22 December, 1620, by the said Alexr. Hay as principal and the said George Johnstoun as cautioner, to the said Barbara Fergusone. Founding upon the second mentioned Bond the Pursuer, as heir of his mother, had obtained Decree in the Sheriff Court on 9 February, 1631, against Alexr. Hay and Johnstoun. Decree now passed against the Defender as his father's heir for the sums due under both bonds.

June 3. **Registration. Rex Dollars.** Thomas Cowy, burgess of Abd. *v.* James Liddell, burgess of Abd., brother german of the late John Liddell, Couper burgess of Abd. as heir or charged to enter as heir to his deceased brother. A Bond for 100 "Rex dollors extending ilk dollor to the soume of" 58/-, dated 8 July, 1642, by John Liddell the Defender's brother to Alexr. Straquhane, lawful son of the late John Straquhane, Skipper burgess of Abd., who had assigned it to the Pursuer on 21 July, 1648, was ordained to be registered for execution against the Defender. The Bond was signed at Sactkoll in Polland before witnesses James Abercromby and Lawrence Merser "merchands & trawelleres in Poll" and the place of payment was to have been Elwowais Market.

[1] This decree was entered after a decree of 27 June, 1649.

1649.

June 15. **Collection of a Merchant's Book Debts.** John Duffus, Gilbert Watsone, John Duncane, James and Alexr. Farquhar, Wm. Leslie, elder and younger, and George Cummyng, all burgesses of Abd. as assignees of Gilbert Forsyth, burgess of Abd. *v.* George Wilsone in Walk Miln of Minonie and 114 persons, who were sued for accounts for merchandise, purchased from Forsyth. The Pursuers produced two Assignations (of the nature apparently of Dispositions for behoof of creditors) dated respectively 31 March and 12 May immediately preceding by Forsyth, who must have died almost immediately after granting them, because some of the parties sued, pleaded that the sums due by them had been confirmed by an Executor Creditor before intimation of the Assignations. The total amount sued for was approximately £1900 Scots.

Transferring. Rent. Jeane Ray and Margaret Ray, sisters of the late Mr. John Rae, "ane off the Regentis of the Colledge Marshell of Abd., Alexr. Thomsoun, Advocat there, spous to the said Jeane and Mr. William Glase, Minister at Kearne, spous to the said Margaret, executors confirmit to the said umqll Mr. Johne" *v.* James Robertsone in Nather Ochbeggis and George Robertsone in Midtoun of Ochbeggis. By this Decree the former Decree of 1 December, 1648 (*Supra* p. 37) at the instance of the deceased Mr. John Rae, was transferred to the Pursuers as his Executors.

27. **Spuilzie.** Wm. Lumsden, eldest lawful son of Mr. Wm. Lumsden of Pittullok *v.* Wm. Seatoun of Meldrum. The Defender was found liable to restore or pay for (1) 30 bolls great oats with the fodder and 20 bolls beir with the fodder taken from the lands of Old Meldrum in the Parish of Bathelnie in April, 1647; (2) 36 bolls great oats with the fodder and 24 bolls beir with the fodder taken from the said lands of Oldmeldrum, and from Mylntoun of Cromlet in April, 1648; (3) 40 bolls great oats with the fodder and 30 bolls beir with the fodder taken from the lands of Oldmeldrum in February preceding; and (4) 10 oxen with plough and plough geir and 3 horses taken in February preceding. For the excrescent profits of each animal 6/8 per day was given.

July 4. **Transferring.** Mr. Thomas Gordoun in Kethokismilne and Catherine Leith, his wife *v.* Dame Elizabeth Leslie, wife of Sir George Curror of Fingask and Marjorie Leslie her sister, lawful daughters to the late Sir John Leslie of Wardes, knight baronet, and John Gordon of Awachie "oy" to the said Sir John, as his three lawful co-heirs of line served or at least charged to enter as such, and Wm. Leslie elder in Tillifour, brother german and heir male of the said Sir John, served or at least charged to enter as such. The liability under a Bond for 2500 merks, dated 21 May, 1627, and registered in the Sheriff Court Books on 5 May, 1631, was by this decree transferred *passive* in the persons of the Defenders. Besides Sir John Leslie, who was the real debtor, the bond had been signed by Wm. Leslie above mentioned, then of Ryhill, George Gordon of Rynie and Wm. Abercrombie of Kembhills as cautioners. One of the witnesses was John Leslie of Ardtannes.

Illustrative Examples taken from Vol. VIII. of Decree Books

Not entering to Mill and Farm. Conditions of Tenancy

(22 February 1642)

THE SAID DAY anent the actioun and caus persewit at the instance of ane nobill and potent lord Alexr Lord of Pitsliggo and Alexr Forbes of Boynlie his tutor for his entres againis Androw Smith in Meikle Kowbourtie TUICHING the persewaris lybellit sumondis making mentioun That quhair Androw Smith in Meikle Kowbourtie tuik in sett of the said Alexr Forbes of Boynley tutor forsaid the Milne of Auchline and astrict multeris usit and vont and landis of Litill Kowbourtie callit Kowbourtie Keith sumtyme occupied be Alexr Hay houssis biggingis and pertinentis and that for the space of fyw yeiris fra his entrie thairto quhilk suld haw bein and begun at Witsonday last 1641 yearis for payment yeirlie to the said tutor of feftie tua bollis sufficient ferme meill before the ruid day yeirlie with tuentie merkis silver thairof tuantie aucht bollis for the milne ei and for the milne landis tuantie merks ane milne swyn or ten merkis ane dissone of capones and sex pultrie yeirlie at the termes of payment usit and wont and for the saidis landis of Kowbourtie being tuentie four bollis wictuall yeirlie and for the last yeir of the saids fyw yeiris for the cropt than that beis on the ground the tyme of his removing tuantie four bollis wictuall tuelff capones at pasch yeirlie and tuelff pultrie at Mertimes yeirlie and casting winning leiding and bigging on the Stakhill of Pitsliggo ane sufficient leit of peitis yeirlie on his awin expenssis ane bandwinn of huikis[1] ane day in harwest yeirlie and to harrow sex bollis of ait sawing yeirlie in harrowing tyme on his awin expenssis thre lang carriages yeirlie if they be requyrit and uther schort carriages within the barronie carreing of wictuall sklaittis lyme and timber losing[2] of shippis betuixt Pittsliggo and Fraserbrughe proportionalie as ane pleuch of the barronie does yeirlie and to worke his yron work at the smiddie of Pittsliggo yeirlie with his awin personall service as the rest of the tennentis of the barronie does as he beis requyrit thairto upoun the said tutor expenssis for all dewtie that might be requyrit for stock or teynd quhairin giff he failzies tua termes rinning togidder the said tack to expyre And the said Androw hes grantit

[1] As many reapers as could be served by one Bandster or Binder.

[2] Unloading.

him to haw resauet sufficient standing houssis on the said toune and is obleisied to leaw the same als guid at his remowing with the milne hous and going milne of the lyik sufficiencie And the said Androw is obleisit to uphold the going geir of the said milne as use is and to grind the cornes of the maines multer frie yeirlie & als is obleist to mak his actuall residence upone the saidis landis of Litil Cowbourtie and to hauld guidis and geir strinzeable thairon for peyment of the saidis deweties as the said assedatione quhilk is in the defendares handis and appoyntment bearing the said rentall of the daitt the nynteint day of Febry last bypast beiris AND ALBEIT it be of weritie that the saidis landis were and is woid red and patent to the said Androw houssis and biggingis thairof for the said Andro Smith his entrie And that the last tennent callit Alexr Hay wes removit wyff bairnes guidis and geir thairfra efter Witsonday last and that the defendar wes requyrit to enter Nottheles he hes not enterit nor will not enter without he be compellit be justice thairto . . . [Decree was pronounced as concluded for]

Spuilzie of a Sword, Pistol, &c.

(22 June 1642)

THE SAID DAY anent the actioune and caus persewit at the instance of Archebald Baxter burges of Abd. againis Andro Gray lawfull sone to Lawrence Gray at the Milne of Mondurno TUICHING the persewar lybellit sumonds Desyring the said defendar to heir and sie himselff decernit be decreit of court ordor of law and justice To hawe done wrong in the vrongous and maisterfull spolzeatione awaytaking recepting deteining and as yit withhalding be himselffe his servands complices and utheris in his name of his caussing command recept assistance ratihabitioun In the moneth of May or therby 1m vic & threttie nyne yeiris upoun the landis of Balhelvies upoun the hie kingis way ane myll or therby be North Pottertoun comeing from the ruid fair frae the said Androw furthe of his possessioune of ane braid bakit buckler sword worth tuentie punds ane pistoll worth tuentie merks with tuo brasen flasks worth fourtie shillingis togidder with fourtie punds money in ane purss . . . . the said complenar being comeing home from the said ruid fair in quyet and peaceable manner and the said defendar being bodding with waponis and certaine his complices ambeset the complenars way and pat hand on him strack dang and bled & voundit him and spolziet his guids as said is . . . . [Decree passed for delivery or payment as prayed for with 40/- of expenses]

Alimentary Expenses, &c. Proof on Commission. Commissioners locked out

(15 July 1642)

THE SAID DAY anent the actioune and caus persewit at the instance of Elspet Kennedy lawfull dochter to umquhill Ellin Kennedy sometyme in Borrowley and Patrick Farquhar burges of Abd. her husband for his entres againis Issobell Cheyne relict of umquhill Magnus Mowat of Balquholly TUITCHING the persewaris lybellit sumonds Desyreing the said defendar to heir and sie himselff [herself] decernit be ordor of lawe and justice and our decreit judiciall to mak subscryue and delywer to the said compleinar and hir said husband for his entres ane sufficient discharge of hir alimentar expenssis from Merch anno 1m vic threttie thrie to October 1m vic threttie sewin yeiris during the quhilk space the said Elspet remained with the defendar hir guiddame And that becaus at the said Elspet hir entrie hame to the defendar the said defendar promeissit faithfullie that shoe suld exact nothing of the said Elspet for hir alimentar expenssis and clothis except sic cloathes as shoe suld happin to buy furthe of merchand buithe and that in presence of the laird of Dumbeithe his ladie and servands And trew it is thai coft nane to hir And als to pay to thame the soume of ane hundrethe punds promittit faythfullie be the defendar to the said Elspet for hir help shoe being hir oy And siclyik to pay and delywer to the said compleinar the soume of fyftie punds money for merchandize coft and receaved be the defendar and hir servands in hir name from thame and furnishit be thame to hir use quhilk shoe promissit to haue payit Theirfor to heire and sie the premissis decernit . . . . . AND ANENT THE CHARGE given to the said Issobell Cheyne defendar to hawe compeirit beffore the Shref of Abd. or his deputtis upoune the tuantie tua day of Junij last bygone and that to hawe giwen hir aithe of weritie upoune the haill contentis of the said persewaris lybellit sumonds referrit thairto be the said persewar with certificatioune pro confesso The said persewaris COMPEIRAND be Alexr Thomsone thair pror. Desyirit that the said defendar suld be holdin as confest and decreit giwen againis hir conforme to the desyire of the said persewaris lybellit sumonds And the said Issobell Cheyne COMPEIRAND be Mr. Alexr Dawidsone hir pror. quha desyrit ane day to be assignit to him to produce the said defendar to giwe hir aithe of weritie upoun the contentis of the said persewaris lybellit sumonds with certificatioune pro confesso To quhom the said Shref deput [Mr. Wm. Davidsone of Carny] assignit the sext day of Julij instant to produce the said Issobell Cheyne defendar to giwe her said aithe . . . . Upoun the quhilk sext day of Julij instant the said Issobell Cheyne defendar being callit and the said Mr Alexr Davidsone hir pror. compeirand and producit ane testificat

subscrywit be Mr Thomas Mitchell persone of Turreffe and diwerss elderis of the kirk sessioune thairof of the dait the fourt day of Julij instant Testificing that the said defendar wes unabill to trawell to the toune of Abd aither on hors or foot be reassone of hir seikness In respect quhairof the said Patrick Farquhar desyirit ane Commissioune to be grantit for taking of the said Issobell hir aithe of weritie upoun the said lybell and therfor the said Shref deput with consent of both the saidis procuratoris gawe full power and Commissioune to Robert Merser Shref deput of Abd. in that pairt and John Innes notar publict Shref Clerk substitut in that pairt of the samen Shrefdome to tak and receawe the aithe of weritie and depositioune of the said Issobell Cheyne defendar . . . . assignit the tuelt day of Julij instant for that effect betuixt ten and tuelff houris that ilk day within the place of Balquholly and ordainit the said defendar to be solemnlie sworne and examined in presens of the said Patrick Farquhar persewar upoun the poyntis of the said lybellit sumonds and hir said depositioun being sua takin ordainit the Shref depute and Shref Clerk substitute in that pairt to caus the samen be autenticklie writtin subscryuit and closit and to delywer the samen to the said persewar to hawe beene reported be him or his said pror in his name in presens of the said Shref depute this fyfteint day of Julij instant to the effect the Shref deput micht administrat justice in the said matter as effeiris with certificatioune to the said defendar that giwe shoe refuissis to giwe hir depositioune upon the said persewaris lybelit sumonds the same suld be holden as confest againis the said defendar and decreit giwen conforme thairto lyk as the proris. for bothe the saids pairties wes suitit thairto *apud acta* as in the said comissioun of the dait the sext day of Julij instant at mair lengthe is conteinit Quhilk with the report thairof being callit beffor the said Shref deput upoun this fyifteint day of Julij instant COMPEIRIT the said persewar with the said Alexr Thomsone his pror. quha producit the forsaid Comissioune with the report thairof subscryuit be the saids Shreffdeputtis [sic] and Shref Clerk substitute in thie pairt Beirand that upoun the tuelt day of Julij instant they with the said Patrick Farquhar persewar haid passit to the manner place of Balquhollie quhair the said defendar with hir servands wer duelling and conforme to the said Comissioune desyirit accesse for taking of the said defendar hir aithe of weritie upoune the poyntis of the said persewaris lybellit sumonds quhilk entrie wes absolutlie refuisit and the yet holden close be Wm Con hir servand in hir name and yit they haweing stayit the space conteinit in the said commissioune efter they had knokit sex sewerall knoks upoun the maist patent yet of hir said duelling and reading of the said commissioune thairat in presens of the said Wm Con the said Wm Con wold not suffer them to enter affirming he had warrand frae the said defendar for that effect Upoun the quhilks

premissis the said Patrick Farquhar persewar for himselff and in name of his said spous askit and tuik instrumentis in the hands of the said John Innes Notary publict and Clerk substitut in that pairt of the said Shrefdome of Abd. and protestit that the said lybellit sumonds suld be holden as confest againis the said defendar as the said Report of the dait at Balquhollie the said tuelt day of Julij instant in it selffe mair fullie proportis . . . . [The Sheriff depute having considered the case, granted Decree as prayed for, with £10 of expenses.]

Failure to enter as a Cottar

(29 July 1642)

THE SAID DAY anent the actioune and caus persewit at the instance of Charles Massie in Quhytcarnes againis Alexr Riddell in Auquhathe TUICHING the persewaris lybellit sumonds desyiring the said defendar to heir and sie himself decernit to enter hame to ane hous and ane croft on the lands of Quhytcarnes set be the said compleinar to him beffoir Witsonday last and to find the said complenar tuo sufficient servands to pleughe barne byir and all uther wark daylie till Witsonday nixt and that daylie and ilk day as they sal be requyrit and to pey to the said compleinar sex shillingis aucht pennies money for ilk dayis absence that hes beine absent sence Witsonday last and als meikle daylie in tym cuming till he enter hame and mak his actuall residence with the said persewar and serve with tuo sufficient servands in manner forsaid and that becaus the said defendar tuik ane coat hous and ane yeard with four bolls sawing from the said persewar and obleist himself to have entrit home thairto at Witsonday last and to have servit the said persewar to Witsonday nixt in daylie service with tua servands to wit himself and his wyff and that the said persewar is damnified in the soume lybellit daylie be wanting of his servands [The Defender appeared and admitted the libel and decree passed against him accordingly.]

Heirship Moveables. Decree for Delivery or for Caution to deliver

(26 November 1645)

THE SAID DAY anent the actione and caus persewit at the instance of Elspet and Christane Crombies sisteres and coaires laufullie servit and retourit to umquhill Sir Thomas Cromby of Kemnay Knyt. and Robert Smith burges of Abd. spous to the said Christane for his entres Againes Dam Margaret Ker relict of the said umquhill Sir Thomas Cromby and

intromissatrix with the particullar species of airship undirwrittin and quhilks pertenit to the said umquhill Sir Thomas and wer in his possessioun the tyme of his deceise quha deceist in the moneth of Marche 1m vic fourtie four yeires TUICHEING the persewares lybellit sumonds Desyreing the said defender as haill and universall intromissatrix with the moueabill airship undirwrittin quhilks he haid and possedit perteining to him the tyme of his deceise imediatlie thaireftir quha deceist in the said moneth of Merch or thairby 1m vic fourtie four yeires as said is To heir and sie hirselff decernit . . . . to pey and delyuer to the saidis persewares . . . . the just and equall halff of the particullar species off airship goodes and geir undirwrittin of the quantities availles and pryces following At the leist to get sufficient cautioun actit in the said Shreff Court bookes to mak the samen furthcumand to the saids persewares eftir the said defenders deceis seing shoe is prowydit to the lyfrent use thairoff be the defunctis testament viz

[1]

	£	M.	S.
A hors		400	
An Ox or Cow	40		
A Wedder	4		
A Swyne	10		
A Nicht gowne	40		
A Clok lynit with welvit all throuch		300	
A Stand of Cloithes of with a pair of New Silk Shankes		200	
A blak velvit Gerkine lynit with Soibillis [? Sables] perfumit	500		
A Buffel [leather] Coit	100		
A pair plait Sleiwes		10	
A pair gairteris	10		
A Nicht bonnett of Welvis with gold and siluer lais		20	
A pair new shoes	3		
A Suord	40		
A Quhinger		10	
A Cheyne of Gold		200	
A pair Breslettis of Gold	100		
A Ring of Gold	120		
A Targat [hat ornament] of Gold	100		
A Saidill brydle and furnitour	40		
A pair Buittes with Muilles [Slippers]	10		
A pair Spurres	10		

[1] In order to secure greater clearness the Editor has adopted this tabular form and has put the values in figures instead of words as in the original.

	£	M.	S.
A Jack	20		
A Knapskall [Head piece]	10		
A Pick or Spear	3		
A Suord Staff	10		
A rydeing Jup lynit with Welvet	40		
A Baisin and Lair [laver] of Siluer with ane Siluer Stowp	400		
A great Goblet owergilt with gold	100		
A great Tass [cup]	50		
A dussone Spoones of Siluer	80		
A salt fatt of Siluer	40		
A stand of doubill Neprie of Dornick and Dameis with ane dussone of Servittes of Dornick ane Washeing Cloth of Dornick with ane drinking cloath	100		
A tune [? tin or tinned] Inglis Basine	8		
A Lair [laver] of tune	3		
A dussone of plaittes with ane dussone of tune trencheours	50		
A greine Buird Cloath	40		
A dussone Cushings shewit work	40		
A Chartor kist of yron	100		
An Etwa [*Fr.* Etui = Sheath or case] with siluer spoon knyff haiftis of siluer owergilt with gold	20		
A Lateron [Latrine]	10		
A Coffer	20		
A great Aiken kist		50	
A Cheker of Bon with ane stand of tabill men all of bein [bone]		100	
The best Buird with the forme	40		
A great Cheyr lynit with reid ledder	8		
A Capalmrie [Cupboard, probably for Cups or Wooden bowls]	40		
A litle new Dresser		20	
A Taissill of Aike	10		
A striking Knok with the Kess furnishit	100		
A great Chandler, with ane litle Chandler		10	
A pair Coill sheires of brass	1		
A Choffer of bress	3		
A brasin Morter with the pistoll	10		

	£	M.	S.
A Fedderbed with ane Downbed and bowster tua down codis with ane pair of Holland cloath Sheittes with tua pair bed plaidis ane pair of blankettis with ane cowering of blew cloth perfumit with the Courtingis conforme thairto pesment with silk and stringis . .	200		
A Watter pott	2		
A dry Stooll with ane pane of tune . . .	10		
A Taissill cloth	10		
A Quart stowp ane pynt ane Schopeing and Mutchkin of tune	16		
A gilt Looking glass	10		
A Spunge	1		
A Buffet Stooll	1		10
An Aikin Bed	40		
A Keise with the Bruiche and Kemis . .	4		
A Kese of ledder and timber for holding of bands	6		
A Bonnet Kase		10	
A ledder Male [letter bag or case] . . .	2		
A pair great lying Raxes of yron with ane pair litill Raxes with ane great Speit and ane litle Speit and ane pair Tainges . . .	40		
A great yron Pot with ane litle Pot . . .	10		
A great brass Pan with ane litle Pan . . .		20	
A Zetling [boiler] . . . . . , .	10		
A Leid of bress for brewing	100		
A Brew fatt with the kunning [? corner] stands and bowies furnitour thairto . . .	20		
A Dressing buird		10	
A Gwise pan	5		
A Brander and Cruik	10		
An yron Pick	4		
Pleughe geir	6		
A Girdill	6		
A Laidill and Bowlls	2		
A Tub Woddische and Baikbuird . . .	4		
A Lint quheill with Kaird and Kemmes . .	10		
A Firlot	4		
A Keart	4		
The Bybill	14		
His Bookes	200		
An Aix and Lantroun	4		

	£	M.	S.
A Gavelok [Iron lever]	4		
A Shewit purss with gold and siluer . . .	24		
A pair Cristell spectickles with siluer . . .	10		

And that be reassone the defender is intromissatrix with the airship goods and geir aboue writtin quhilks pertenit to the said defunct the tyme of his deceise forsaid and was in his possessioun of the pryces and valour aboue writtin And that the saids persewares ar coaires laufullie servit and retourit to him be vertue quhairof thei have good and undoubtit rycht to the halff of his moueabill airship goods and geir and left to thame conforme to his testament And thairfor the said defender sould be decernit to pay and delyuer . . . . at the leist to set sufficient cautioun to mak the samen furthcumand to the saids persewares at hir deceise als good and sufficient as the samen wer the tyme of the said defunct his deceise . . . . The Shreff deput haveing hard sein and considderit the persewares lybellit sumonds executioune thairof defenders defenssis and eik and reply maid thairto for the said persewares and thairwith being ryplie and at lenth advysit . . . . DECERNES [here follows a decerniture in terms of the conclusions of the summons] and that BECAUS it wes alledgit for the said defender that no process could pass againes hir for the moueable airship lybellit in respect be the defunctis letter will the use thairoff wes left to the said defender dureing hir lyftyme and that she could not find cautioun be reassone shee haid her use thairoff dureing hir lyftyme and if shee sould sett cautione that wold deteriorat hir use thairoff nather wes shee holdin to do so To the quhilk alledgance it wes ansuerit be the said Alexr Thomsoun pror. for the saids persewares that the samen sould be repellit and the defender decernit to delyuer the species of airship lybellit at the leist to set sufficient cautione to mak the same furthcumand efter hir deceise becaus albeit the said defender haid hir lyfrent use thairoff yit of necessitie the said persewares sould have ane present sentence againes hir thairfor quhairby the quantities and worthes thairoff may be cleirit and that thei may craive the same eftir hir deceise in the same integritie as thei sould happin to be valued unto and for that effect the defender aught to set cautione as said is Quhilk alledgeance for the said defender not obtstant off the reply maid thairto for the saids persewares being be the said Shreff deput admitted to the defender's probatioun and the said last day of July last bygane being assignit to the said defender to prowe the same peremptorlie [she did not attend to give her oath of verity, although personally cited by an officer of Court and so decree passed against her as craved]

The Minute Books of Judicial Enactments: Vol. VI., 1649-60

The Title of Vol. VI. bears that it is a book of enactments from 1649 to 1653, whereas there is an entry as late as 1670. It so happens that the two entries at the end of the volume are dated in 1653, but they are out of place there, although it is very difficult to see how such a thing came about. The great bulk of the Acts recorded are before 1660, —only about 10 pages out of 126 being used for the 10 years 1660-70— and these last are not embraced in the subjoined Table of Contents.

The puzzling thing about the book is, however, the essential difference between its contents and those of all the preceding volumes of the same series. The first part is almost entirely composed of criminal sentences, and these occur at intervals throughout. There are a considerable number of obligations to keep the peace (Lawborrows), and of caution for the appearance of persons charged with crime (Bail bonds). By far the greatest space, however, is taken up with the records of the appointments of Sheriff Officers, and their admission, and finding caution for the due and faithful performance of their duties. A code of Injunctions for the Officers of the Sheriffdom has been found engrossed among the entries for 1656 and appointments to the office continued to be entered until 1661 when they ceased.

In the whole volume only one entry regarding an arrestment has been found, and not a single appearance by a married woman for the purpose of a judicial ratification. The three subjects dealt with may be summed up as crime, the keeping of the peace, and appointments of Sheriff Officers.

Needless to say the Editor has found it impossible satisfactorily to account for this remarkable change. The only plausible theory that he has been able to evolve has been, that, with the advent of a new Sheriff-Clerk in 1649, in succession to the three, all nearly related to each other, who had successively held the office for more than half-a-century, a new system was adopted.

With regard to arrestments it would appear that a practice had crept in of using arrestments, as a means of oppressing an adversary, without having first obtained a warrant from the Court. This is proved by the enactment among the injunctions for Sheriff Officers forbidding any officer to use an arrestment or other precept whatsoever, without warrant of the Clerk. The necessity of applying to the Court and of paying the Court fees would no doubt tend to reduce materially the amount of such arrestments as abound in the earlier books of this series, but this explanation is not sufficient to account completely for the change.

But what of the ratifications by women? It is well known that at a later period these were engrossed on the deed or other writing to which they related. Was it at this period that this method began to be introduced in Aberdeenshire? It might be so; but after all, the theory that the Sheriff Clerk was responsible for the change is probably the correct one. Such a view is rather confirmed by what is found in the next volume of the series [1672-90] where such entries have been found, but it is most unfortunate that the civil enactments for 20 years at this period are not now available, especially those where women appeared with their husbands, to make declarations with regard to the surrender of their rights.

Table of Contents of Vol. VI. of Minute Books of Judicial Enactments

1649.

Assault—Blood-drawing. Mr. Alexr. Davidsoun, His Grace' Pror. Phiscall *v.* Alexr. Straquhane in Kinmundie, who was fined £50 for an assault on John Bartlet in Feddie, committed within the bounds of Kinmundie on 21 April.

May 4. **Assault—Blood-drawing.** The Pror. Fiscal and Wm. Cushny in Edindurnoch *v.* Alexr. Tailzeor in Holls of Edindurnoch and Margaret Barnet, his wife. A jury drawn for the most part from the neighbourhood, convicted Margaret Barnet as libelled, and Tailzeor "for stricking the said Wm. be many great straiks with ane trie bot absoluis him fra blood." The accused were fined £50 each, with £10 each for assythment to the "pairtie greivit." Both parties thereafter found caution for £40 to keep the peace towards each other. Three Jurors were fined £40 each for absence.

June . **Assaults—Blood-drawing.** In four cases of this nature the accused not appearing were fined £50 each "in penam contumaciae."

Assault—Blood-drawing. Robert Montgomrie in Standandstaines was bound, under penalty of £100, to appear and take his trial on 8 June, for assaulting Patrick Stewin in Standandstaines. On 8 June both accuser and accused were ordained to appear on 9 June, under penalty of £100. They did not appear and were fined accordingly.

14. **Assaults—Blood-Drawing.** Andrew Raff in Rogerseat and Robert Meldrum at the Myln of Rothie appeared and were put under caution of £100 each to take their trial on 22 June, the first named for assaulting Agnes Volum at the Mill of Kinbrein, and Meldrum for assaulting Wm. Chapman, his servant. On 22 June they failed to appear and were ordained each to pay £100 to "his Grace Pror. Phiscall to the Shreffis behowe." John Raff, a son of Andrew Raff, was fined £50 for assaulting Gilbert Reid in Ladinhar "in the heid with ane tree."

Theft. Reference to Accused's Oath. Acquittal. Wm. Browne, sometime at the Mill of Sharnycraig, then at Mill of Sigat, being accused of "steilling thifteouslie of thrie bolls of meill and shilling in stowin scowtches about the said myln of Sharnycraig," and the truth of the charge being referred to his oath, he denied it and was assoilzied.

Assault—Blood-drawing. Acquittal. Robert Smith at the Myln of Sharnycraig, charged with assaulting Wm. Browne at the Mill of Sigat "in the arme with ane quhinger," was acquitted on a reference to his oath.

22. **Admission of Sheriff Officer.** Thomas Watsoun in Kingedward was admitted, sworn in and found James Watsone, burgess of Abd., as his cautioner for him to the extent of £100.[1]

[1] The amount of caution was £100 in every case and so will not be repeated.

Judicial Enactments: Vol. VI., Contents

1649.

June 22. **Assaults—Blood-drawing. (Four Cases).** James Moir in Schethin and Isobel Mitchell at the Kirk of Culsalmond were each fined £50 in absence, while John Andersone sometime at the Mill of Boddume, then at Buchanstoun, and Patrick and Andrew Clerk, sons of Michaell Clerk in the Hill of Pettie, appeared and were acquitted by virtue of their oaths.

July 3. **Reset.** The Crown *v.* Wm. Gray in Reiskhous of Gartlie, prisoner in the Tolbooth of Abd., charged with "resaitting of certane packis of wooll from Robert and Andro Peiries Merchands," was released upon George Moir, Litster, and Gilbert Arthour, Wobster, both burgesses of Abd., becoming cautioners to present him on 11 July, under penalty of 500 merks. On that day the case was under the same penalty continued to 1 August, when the accused was bound down under pain of £100 to appear on 3 October.

4. **Suspicion of Theft.** James Blaik in Balthangie, Michaell Quhyt in Adiell and George Scot there, were each bound under penalty of £100 to appear on 11 July to underly the law "for allegit haveing in ther possessione of the guids undir writtin for quhilks they cannot find bruch and hammald," viz. : Blaik, a mare, Quhyt a gray horse and Scot a black staig. There was another charge of the same kind at this Court.

Assaults—Blood-drawing. The Fiscal *v.* Andrew Jaffray in Auld Abd. who was fined £50 for assaulting Jean Clark, wife of John Chalmer, Wright in Abd.

The Fiscal *v.* John Rob in Haddo who had assaulted Jane Craigheid. Fine £50.

6. The Fiscal *v.* Robert Ross in Balfedie and John Nicoll in Parsie. A Jury convicted Ross and acquitted Nicoll. Ross was fined £50 and bound down, under a penalty of £100, to keep the peace towards the man he had assaulted and his wife and family. Several Jurors were fined £40 for absence from the trial.

The Fiscal *v.* William and George Cardno in Petblae and another, who were fined in absence £50 each, for assaulting Thomas Hay in Kearnbulg.

James Cheives in Sethlie was also fined £50 in absence, for assaulting George Dargnow in Memsie.

13. Wm. Forbes in Blaktoun, John Patersone at the New Mlyn of Auchterles, James Thomsoun in Reidhill and John Raff, son of Andrew Raff in Rogerseat, were all in absence convicted under separate indictments and fined £50 each. The assault by Raff was committed upon Patrick Barclay a Sheriff Officer.

19. **Sheepstealing.** Wm. Lindsay in Yewbrae charged with four acts was convicted by a jury of one of them, vizt., the theft of a ewe from George Scot in Touchar "about Pasche last." Five jurors were fined £40 each for absence. A week later Lindsay was bound under penalty of 500 merks to be of good behaviour, or in case of failure to banishment from the country.

Assault—Blood-drawing. John Ruddoch in Wittoun tried by a jury and acquitted.

1649.

July 19. **Allowing a Thief to Escape.** "Compeirit John Myln in Ardoyne as he quha becam actit to compeir this day and being accuseit be his Grace pror. phiscall for apprehending ane commoun theiff namet with stolne mutton and for letting hir go And the samen being referrit to his aith The said John denyit the taking of the said theiff or intrometting with stolne muttone or any uther thiefeous guids in hir possessione In respect quhairoff the Shref deput forsaid absoluit the said John fra the said fact."

26. **Theft of Wool.** Robert Peirie in Smithstoun acquitted by a jury of stealing a pack of wool from James Ronald, burgess of Abd. and also acquitted of being a common and notorious thief "outfang theiff infang theiff sua reput and holdin be oppin voice and commone fame." A number of absent jurors fined £40.

Lawborrows. The said James Ronald *v.* the said Robert Peirie. Penalty for breach to be banishment.

27. **Assaults—Blood-drawing. Witnesses Fined.** The Procurator Fiscal and Isobel Mitchell at the Kirk of Culsalmond *v.* Wm. Diak at Gardyinsmilne. Robert Maitland in Doghillok and John Andersoun in Wrangham were fined £40 each for not attending as witnesses and the case was continued.

In two other cases the accused were in absence fined £50 each.

The Fiscal and Alexr. Kennertie in Iden *v.* Patrick Pantoun in Templeland. On the matter being referred to his oath the accused declared "that he bled not the said Alexr Kennertie Bot that they being at the pleughe togidder and haveing discordit The said Patrick strake the said Alexr with the patle." Thereupon the Sheriff ordained the accused to appear upon new citation, or in modern language to come up for sentence when called upon.

31. **Assaults—Blood-drawing. Witnesses Fined.** At this Court several witnesses were fined £40 each for non-attendance. In one set of charges there was a continuation, and in one case a fine of £50 in absence.

Augt. 3. **Assault—Blood-drawing.** Alexr. Foullertoun in Sevidly, charged with an assault on Dorathia Crynecross, wife of Wm. Retchie there, was convicted by a jury of "stricking and dinging" Dorathia "with a spad and with his hands" but absolved "fra blood." For this offence he was sentenced to pay a fine of £40, with £10 to Dorathia for assythment. If he failed to pay within eight days, both the fine and the damages were to be doubled.

Fugitation or Outlawry. John and Thomas Leslie in Meikill Creichie were decerned "fugitives from his hienes lawes for thair not compeiring this day to have underlyin the law for certane stolne horss wooll and pluckit skins & uther stolne guids found be honest dakerers in thair possessioun."

10. **Fugitation or Outlawry.** John Murray and Wm. Ross in Auld Abd. The accusation which these parties failed to answer to, was of stealing "tua horss from Patk Urqhuart of Lethintie and uther tua from Wm. Setoun of Mynnes."

1649.

Augt. 15. **Assaults—Blood-drawing.** Two cases of fines of £50 in absence.

17. Patrick Leith in Chrystiskirk, charged with assaulting Wm. Elmslie in Rothmurriell was convicted of "kneing and oppressing" him but absolved "fra blood." The fine was £40 with £5 to the injured party. The jury were to a considerable extent chosen from the neighbourhood.

Besides the above there were four cases decided in absence. Fines £50. In one of these a man was convicted of the wounding and blood-drawing of a woman "in the nise mouth and face with a tree."

Lawborrows. Alexr Shreff in Kinbreine *v.* Adam Gordoune in Pitmundiesbrig. The penalty was £100. Gordoune had been Chancellor of the jury in the preceding case.

24. **Assaults—Blood-drawing.** Two fines of £50 in absence.

31. A continuation under penalty of £100.

Several pages left blank at this point.

Novr. 24. **Admission of Sheriff Officers.** Walter Ross in Towy of Clate. Cautioner Capitane Thomas Davidsone of Milboiy.

1650.

Jany. 17. Wm. Norie in Cairnebulg. Name of cautioner not filled in.

Alexr Touch in Logie of Fintray. Name of cautioner not filled in.

Febry. 1. Archibald Sim, Indweller in . Cautioner Alexr Forbes, Clerk to the "Committie."

May 3. Alexr Craig in Turreff. Cautioner Mr. James Skeine in Turreff.

June 2. George Fouller at the Mylne of Sklaittie. Cautioner James Symsone there.

Novr. 6. Alexr. Mylne in Elloun. Cautioner Alexr. Bruce, Sheriff Clerk in Banff.

Decr. 6. Adam Wilsone in Kirktoun of Daviott. Cautioner John Robertsoun, burgess of Abd.

Patrick Lidgertwood, servitor to James Swane, Sheriff Clerk Depute of Abd. Name of cautioner not filled in.

1651.

Feby. 15. Wm. Robertsone, servitor to Patrick Chrystie, burgess of Abd. Cautioner the said Patrick Chrystie.

Decr. 21. Wm. Riauch, Lax fisher in Abd. Cautioner James Rany, burgess of Abd.

1652.

Jany. 11. James Mill at the Owermill of Birnes.[1] Cautioner Arthur Seatoun, Chamberlain to the Earl Merschall for his lands of Dinoter.

June 16. Robert Dougat at Kincarin O Neill. Cautioner Normand Davidsone, Merchand, burgess of Abd.

Alexr. Spens in Scaitcraiges. Cautioner David Williamsone (signing Wmson), burgess of Abd.

23. Alexr. Mill in Ellon. Cautioner Alexr. Bruce, Sheriff Clerk of Banff.

30. James Fergusone, Notary Public and Town Clerk of Inverurie. Cautioner James Seatoun of Colihill.

July 6. James Man [or May] in Turreff. [Entry incomplete.]

7. James Thome, Notary and Messenger in Ellon. Cautioner Mr. Adam Andersone, burgess of Abd., who became liable for Thom's intromissions as Notary and Messenger as well as in his capacity of Sheriff Officer. The Sheriff Depute admitted Thom in virtue of Act of the Commissioners for administering "Justice to the peopill in Scotland," granted in respect of Thom's age and inability to travel to Edinburgh.

Alexr. Moreis in Techmurie. Cautioner Alexr. Fraser of Techmurie.

19. James Fyiff in Eisttoun. Cautioner Alexr. Sandesone, Messenger in Auld Abd.

John Leitche in Braghall. Cautioner Thomas Dauidsone in Milnebowy.

Octr. 6. **Lawborrows.** James Andersone in Balbithane *v.* Mr. Samuel Walker, late Minister at Monkegie then in Kinkell. Cautioner Alexr. Mackie at the Neather Mill of Kintoir. Penalty 200 marks.

1653.

Jany. 6. **Admission of Sheriff Officers.** James Bissat in the Buss. Cautioner James Patrie in the Buss.

March 16. Andrew Chessor at Lochsyd. Name of cautioner not filled in.

George Nickolsone in Rora. Name of cautioner not filled in.

18. Alexr. Thomsone [neither designation nor cautioner filled in].

19. **Robbery. Banishment.**[2] Alexr. Fergusone, son of George Fergussone in Montrois consented (the Sheriff Clerk depute acting notarially for him) to leave the Sheriffdom within 24 hours, and Brittain within six weeks, under pain of death by hanging.

21. **Lawborrows.**[2] Alexr. Arskein of Rothney and others *v.* Alexr. Gordon of Carnborrow. Cautioner John Gordoune of Artlaugh. Penalty 1000 marks over and above damages to the parties injured.

[1] Mill was the first of these Sheriff officers whose admission bears that he was made to accept "the tender of the Parliament of Ingland."

[2] These are the two entries referred to in the Introductory remarks as being found out of date and place at the end of Vol. VI.

1653.

March 24. **Admission of Sheriff Officers.** Patrick Patersone in [sic] Kincarne. Cautioner James Wight in Kincardine.

John Reid in Cushny. Cautioner Robert Lumsden in Cushny.

April 8. John Forbes in Finersie. Cautioner Alexr. Forbes sometime Writer to the Signet.

July 26. Alexr. Jaffray in Strathdone. Cautioner Wm. Forbes of Skellater.

28. **Vagrancy.** John Dunbar, Residenter in Murray not having any lawful trade, bound himself under "hiest pain and sencur" [censure] to repair to his own country and behave himself honestly there.

Alexr. Stewart and Mary Ogilvie, vagabonds, were ordained to be taken to the market cross, and after their guiltiness was published there to be banished from the country and not to return under pain of death.

Robert Stewart, vagabond, bound himself to follow some lawful calling, otherwise to be punished according to the judge's pleasure.

Octr. 4. **Admission of Sheriff Officer.** John Fraser in Fraserburgh. Cautioner Alexr. Craufurd in Reathen.

15. **Reset.** Alexr. Irving in the Woodend of Kincousie was liberated until 8 November upon condition that he should seek out his accomplices and inform the authorities of their whereabouts. The obligation of the accused was signed for him by the Sheriff Clerk depute acting as a notary.

Lawborrows. Gilbert Sangster in Bodems *v.* John Forbes of Knapernay. Penalty £100 sterling.[1]

Vagrancy, etc. George Bell, prisoner, taken and apprehended as an idle man, &c., was made to enact himself to betake himself to some lawful calling, to leave the Counties of Aberdeen and Banff and if he returned to give notice of his return to the authorities, and that he intended to live a peaceful and inoffensive life. Contravention was by his own consent to infer sentence of death. Not being able to write (or presumably to read) the Sheriff Clerk depute, acting as a notary, signed the enactment upon the prisoner's behalf.

1654.

Jany. 27. **Admission of Sheriff Officers.** Wm. Nicoll in Streichin. Cautioner Thomas Fraser of Streichin.

June 7. George Robertson in Horscruik of Belhelvie. Cautioner Alexr. Innes, Chamberlain of Belhelvie.

July 6. Wm. Walker in Auld Carnbrogie. Name of cautioner not filled in.

Aug. 4. Patrick Martein in Ardiffrie. Cautioner Patrick Cruikshank, Notary in Abd.

[1] The first occasion on which sterling money has been noticed, as a penalty.

1654.

Augt. 11. **Lawborrows.** Wm. Smith in Wattertowne and Wm. Ferguison there bound under penalty of £100 each to keep the peace towards each other.

12. **Loosing of Arrestment, &c.** Edward Smith, Commissary of the Provisione at Abd. *v.* Alexr. Done at the Gate of Strathbogie. Cautioner Alexr. Sinclair there.

21. **Lawborrows.** The "Bailzies, Counsell, Communitie, Citizens and whole Inhabitants of the Citie of Old Abd." for the present and to come *v.* Alexr. Sandesone, messenger there. Cautioner John Smith, burgess of Abd. Penalty £100. In security of the clause of relief Sandesone delivered to Smith charter and sasine of his house in Old Abd.

Septr. 6. Wm. Brockie in Govell *v.* Wm. Gordon, younger, of Dilspro. Penalty £100.

8. Sir John Gordone of Haddo *v.* George Gordone of Tilielt, Wm. Barclay of Auchrydie, Alexr. Keith of Whythill, and Alexr. Gordone, brother of the said George Gordone. Penalty £100 sterling money.[1]

20. "The haill people of the Natione and in particular John Irving in Seatone" *v.* Alexr. and Wm. Hervie in Seatone. Cautioner Robert Abercrombie, burgess of Abd. Penalty £100.

The said John Irving *v.* John Anderson, younger, in Seatone. Cautioner Wm. Anderson, Couper, burgess of Abd. Penalty £100.

1655.

Jany. 31. **Admission of Sheriff Officers.** Wm. Milne in Caskiben. Cautioner Alexr. Bainerman in Bourtie.

Feby. 13. John Hay in Aboyne. Cautioner John Watt, burgess of Abd.

March 16. **Lawborrows.** George Duncan in Wester Disblair and Katherine Leslie, widow of Mr. Wm. Chalmer of Wester Disblair *v.* Gilbert Sangster in Wester Disblair. Cautioner Alexr. Forsyth, Couper, burgess of Abd. Penalty £200.

June 2. **Admission of Sheriff Officers.** Robert Coutis in Newtoun in the Parish of Coldston. Cautioner Wm. Rose, son of James Rose in Keandor.

11. Alexr. Leslie in Ruthven. Cautioner James Gordone of Rothemay.

James Charles in Ruthven. Cautioner James Gordone of Rothemay.

15. Wm. Coutis in Waterearne in the Parish of Coldstone. Cautioner Mr. Wm. Douglas in Blakmilne.

16. John Morgane in Scotsmilne in the Parish of Forbes. Cautioner Arthur Morgane there.

20. **Lawborrows.** Forbes, widow of John Irving of Beltie and specially a servant called Janet Hunter in Wester Beltie *v.* Thomas Farquharsone of Collistoun and Wm. Farquharsone, his son. Penalty £100.

[1] The second occasion of a penalty in sterling currency.

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1655.

June 29. **Admission of Sheriff Officer.** Alexr. Chalmer in Boghead. Cautioner Mr. Alexr. Farquhar of Tonley.

July 10. **Lawborrows.** Mr. Robert Chein, Min.ster at Kinethmont *v.* Thomas Rodger in Bankhead. Cautioner Patrick Smith in Logiedurno. Penalty 300 marks. The cautioner also bound himself to pay a fine of £100 imposed upon a son of Thomas Rodger for having assaulted a son of Mr. Chein.

21. Mr. Robert Chein, Minister at Kinethmont *v.* James Rodger, younger in Mostoune. Cautioner Robert Smith of Orde, Messenger. Penalty 400 marks.

Aug. 3. **Admission of Sheriff Officers.** John Hay in the Inwerre of Monymuske. Cautioner James Leslie, Tailzeor, burgess of Abd.

4. George Kilgour in Old Abd. Name of Cautioner not filled in.

16. James Cruikshank in Strathboggie. Cautioner Mr. James Kennedy of Gibston.

Nov. 22. **Cautioner to present Accused and to pay Fines.** Robert Forbes of Minmoir enacted himself under penalty of 300 marks to present his sons [?] Gilaster, John and Arthur to take their trial and also to pay past due and future fines for them.

Decr. 7. **Admission of Sheriff Officers.** Alexr. Andersone in Kirktoun of Skein. Cautioner Wm. Keith in Neather Logie.

1656.

June 13. James Leslie in Greinlaw. Cautioner Wm. Leslie in Kirktoune of Skene.

14. John Tailzeour in Aswanlie. Cautioner Gilbert Caddell of Aswanlie.

16.[1] **Theft. Banishment.** Donald Robertsone, John Mitchell and Thomas Gauld, being convicted by a Jury, were sentenced to banishment, and with their own consent to death, if they returned.

July 18. **Lawborrows.** Wm. Ferguison in Wattertoun *v.* John Black at the Milne of Wattertoun. Cautioner Wm. Bartlet in Ariburn. Penalty £100. There was a further obligation to pay a fine of £50 already imposed.

30. Wm. Reid in Melgum *v.* Archibald McIntosh in Miln of Melgum. Cautioner Wm. Forbes of Skellater. Penalty £100.

Augt. 23. **Banishment.** James Watt, prisoner in the Tolbooth (whose crime is not mentioned) was sentenced "to be banished forth of the three nations of England Scotland and Ireland and to depairt forth thereof" before 8 September next and never to return under pain of death. All the prisoner's moveable goods were escheated.

Theft. Banishment. John Gardyn, sometime in Carnbulg who had been convicted of stealing "sheep wooll and skins" from Andrew, Lord Fraser, received the same sentence as in the preceding case.

[1] Entered between an entry of 1667 and an entry of 1668.

1656.

Septr. 19. **Theft. Act of Caution.** John Foulerton, "officiar," bound himself to present Wm. Duncan in Fetterletter on 9 October under penalty of 300 merks.

Octr. 21. **Admission of Sheriff Officers.**[1] Patrick Mitchell in Frendraucht. Cautioner George Watt, Messenger at Bamff.

Novr. 19. Alexr. Hervie in Harthills. Cautioner James Scheanie in Halforrest.

21. Adam Gordone in Rothmeys. Cautioner John Gordone of Rothmeyes.

Code of Injunctions for Sheriff Officers.

Decr. 3. 10. **Caution to Appear.** There is an Act of Caution on each of these dates, the penalty being fixed at £100, payable to Mr. Alexr. Davidsone "his Highnes pror. Phiscall for the Shreffe's behooff."

11. **Admission of Sheriff Officers.** John Kilgour in Old Abd. Cautioner Mr. James Hervie of Mamewlay.

Wm. Straquhan in Kincardyn. Cautioner Andrew Burnet of Slouy.

1657.

Jany. 7. Alexr. Ramsay in Greinend. Cautioner Mr. Robert Burnet of Colpnay Sheills.

8. John Begrie in Ardmachron. Cautioner George Clark of Craneley.

Feby. 26. John Mitchell in Craigtoun of Lumphanane. Cautioner Mr. Wm. Seatoune, Minister there.

May 8. Thomas Spence in Echt. Cautioner Alexr. Sandesone, Messenger in Abd.

Alexr. Bannerman, Servitor to Alexr. Bannerman of Elsick. Cautioner Mr. Thomas Gordoune of Kethoksmiln.

June 3. John Young in Kirktoun of Birss. Cautioner James Smith, elder, burges of Abd.

11. Alexr. Ross at the Kirkstyle of Aboyne. Cautioner John Farquharsone in Kirktoune of Aboyne.

17. **Lawborrows.** Isobell Watt in Auchirtin *v.* Alexr. Philp there. Cautioner John Straquhan in Easter Carnie. Penalty £100.

July 31. John Duncan in Mideltoun of Pitfoddells, George Philp in Westertoun of Pitfoddells and Wm. Philp there *v.* John Chessor in Cults. Cautioner John Troup there. On 1 August Wm. Philp at Miln of Pitfoddells became Cautioner to present the three complainers named in the preceding entry, before the Sheriff when required, under penalty of £100 each. They were summoned for 26 August; but as two of them did not appear the Cautioner was ordained to pay £100 for each.

Admission of Sheriff Officer. Thomas Logie in Kintoir. Cautioner Thomas Logie of Bogheads.

[1] The "tender" of the English Parliament is omitted from this admission and afterwards.

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1657.

Augt. 7. **Lawborrows.** Wm. Peirie in Over Dewchries *v.* Alexr. Crombie (signing Cromy) in Auquhorsk. Cautioner Wm. Forbes of Thombeg. Penalty £100.

Alexr. Black in Auquhorsk and Alexr. Cromby there *v.* Wm. Pirie in Over Dewchries. Cautioner John Peirie, Cowper, burges of Abd.

8. **Admission of Sheriff Officer.** Wm. Lessell, son of John Lessell, Messenger. Cautioner Alexr. Reid, elder, burges of Abd.

14. **Theft of a Lamb. Banishment.** Thomas Umphray was sentenced to banishment from the county unless and until he found caution for £100 for his good behaviour.

28. John Ronald, burges of Abd., became cautioner, in the foregoing case.

Nov. 12. **Theft.** James Ritchie in Ardgathen, who had on 1 November been "convict for certaine poyntes of theft bee ane condigne inquest" was ordained to set caution before 20 January next for his good behaviour "and honest carriag toward all the people in the nation," and for his appearance before the Sheriff when called upon. Penalty £100.

26. **Admission of Sheriff Officers.** Thomas Wood in Peterhead. Cautioner Andrew Watsoun, Messenger.

Dec. 18. John Ferrour in Bogheid of Cowle. Cautioner John Garioch in Lochmens.

1658.

Jan. 7. **Lawborrows.** Richard Cheyne in Little Drumwhendill *v.* Arthur Davidson there. Cautioner John Donaldson of Hiltone.

29. **Reset.** Alexr. Cromy in Alforsk, Arthur Coupland at the Miln of Craigpot, Wm. Clerihew in Anagathill, Robert Reid in Glentoune, Andrew Smith in Heuchhead, and James Aedie in Newtowne of Tulloch were put under penalty of £100 to appear to answer to a charge of resetting goods stolen by Wm. Smith who was in prison on a charge of theft.

Feby. 13. **Admission of Sheriff Officers.** Wm. Blak in Kintoir. Cautioner Gilbert Keith in Leyludge.

David Constable in Artrochie. Cautioner Hew McGhie, Apothecar, burges of Abd.

April 16. James Tod in Fintray. Cautioner Wm. Seaton of Disblair.

21. **Caution to Appear.** Alexr. Reid, in Petfeichie bound himself to appear on 17 June next to answer to a charge by the Procurator Fiscal and John Leslie in Petfeichie under penalty of £100.

July 15. **Admission of Sheriff Officer.** Wm. Dickie, Servitor to Robert Ker. Cautioner the said Robert Ker.

31. **Lawborrows.** Alexr. Spence, Sheriff Officer *v.* Andrew Simsone in Eastbog. The respondent was bound under penalty of 500 merks to present himself on 15 August and then to find sufficient caution.

1658.

Augt. 12. **Admission of Sheriff Officers.** James Petrie in Tirresoul. Cautioner David Tyrie, Balyie of Strathboggie.

27. Thomas Urquhart in Mowney, in the Parish of Daviot. Cautioner Normand Arbuthnot in Bethelnie.

Sept. 8. Wm. Leslie at the Kirk of Rayne. Cautioner James Leslie, Tailzeor, burges of Abd.

Novr. 5. Paull Watt in Towie Barclay. Cautioner George Chrystie, Wreitter in Abd.

Decr. 22. Alexr. Bowman in Toddelhills. Cautioner John Donaldson of Hiltoun.

30. **Assault—Blood-drawing** (fatal). Gilbert Thomsone, burges of Abd., became bound under penalty of 1000 merks to present for trial on 4 February, 1659, John Irving in Ardconnan to answer to a charge of "hurting and blooding of the deceist Murray in Finnersie. On 11 February the caution was renewed for Irving's appearance whenever called upon.

1659.

Jany. 5. **Admission of Sheriff Officer.** James Milne in Cushney. Cautioner Robert Lumsden of Clova.

Febry. 3. **Reset. New Work at Old Town College.** For the appearance next day of Wm. Strachan in the Hardgait and Patrick Smith in Spittell to answer to the charge of receiving of "certain yron stenshons out of the new work of the Old town Colledge," James Clark, Weaver, burges of Abd., and Andrew Sim, indweller in Abd., were cautioners under penalty of £100 each. This was to be paid, in case of failure, to Mr. Alexr. Davidson "his highnes pror. phiscall" for the Sheriff's behoof.

4. (Same case.) The accused duly appeared and were apparently convicted, although there is no record of their trial.

7. (Same case.) The accused Wm. Strachan found caution for his good behaviour. The cautioners were Wm. Chrystie, Deaconveiner[1] in Abd., James Clark [Weaver], burges, George Adam, Deacon of the Weavers there, and John Blenshell, Weaver there. Penalty £200. The theft of the "stenshons" had been committed by certain "sojors." Patrick Smith the other accused appeared on 25 February and bound himself to behave under penalty of £100.

11. **Admission of Sheriff Officer.** James Browne in Miln of Gellan. Cautioner Wm. Duckison in Nether Ruthven.

April 13. **Caution to Appear.** Alexr. Skeine of Dyce and James Keith of Kinadie bound themselves to present John Fordyce in Tofthills in the Parish of Kintoir on 22 April. Penalty £100. On 29 April Fordyce enacted himself to come up when called upon under the same penalty.

[1] A strange compound word.

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1659.

May 4. **Admission of Sheriff Officer.** Thomas Straquhan in Wester Camphell. Cautioner Alexr. Burnet, younger, burges of Abd., son of Thomas Burnet of Camphell.

6. **Assaults—Blood-drawings.** Isobel Johnstone, at the Miln of Dilspro, wife of Alexr. Leask there, was fined £50 payable before 8 June for an assault upon Janet Keith in Dilspro. For the payment of the fine to Mr. Alexr. Davidson the Fiscal, for the Sheriff's behoof, George Johnstone at the Milne of Dyce now became cautioner.

Wm. Hunter, elder, in Cragidarg, convicted of assaulting Robert Baine in Haltoun of Skein found Richard Alexander, burges of Abd., as cautioner for payment of fine of £50 before 16 June.

30. **Lawborrows.** John Gordon in Corrilair, a prisoner, who had been convicted of theft in 1656, was ordained to be set at liberty on finding sufficient caution to be of good and peaceable behaviour. The moveable goods of the prisoner were ordained to be escheat and the "pairties damnified" (*i.e.*, by his thefts) "to bee satisfied out of the first and readiest thereof."

June 10. **Lawborrows.** Mr. Wm. Hay, Minister at Cremond *v.* Wm. Anderson at the Milne of Sternaphin. Cautioner James Anderson, Messenger in Abd. The penalty for failure was to be that "prescryvit bee the Act of Parliament."

1660.

Novr. 24. **Admission of Sheriff Officer.** Alexr. Gordon in Cromar "in the parioche of Tarlan." Cautioner John Simsone, Notary Public.

Illustrative Examples taken from Vol. VI. of Minute Books of Judicial Enactments

Criminal Cases

I.

(18 March 1653)

Compeired Alexander Fergusone sone to George Fergussone in Montrois and of his owin consent Enacted himselff that he sould remove furth of the Shirrefdome off Aberdein within four and tuentie hours nixt eftir this present day And nevir be sein againe any mor heirin And siclyk obleist himselff that he sould remove furth of the Aill of Brittane within sex weicks tyme eftir the dait heirof and nevir be sein any mor heirin And that because he did comitt and act certaine roberies againes certaine people off this nationne foir the quhilk he was apprehendit and putt in prisoun And thairfoir was content to prevent further punishment to remove furth of this Ailland and Schyre forsaid within the tyme forsaid And iff evir he sould be sein heireftir at any tyme within the Aill off Brittane eftir the said sex weicks tyme he was content to suffer death by hanging without any proces of Law quhair evir he sould be attached challanged and found

[signed by James Swane notary public & Sheriff Clerk depute on behalf of accused who declared that he could not write. The notaries docquet is in English]

II.

(28 Sept 1653)

Compeired John Dumbar residenter in Murray being taken and put in prisone as an eydle man not hawing any lawfull trad or Imployment and enactit himselff that he sould presentlie repar hom to his awin cuntrie and ther imploy himselff in sume lawfull calling and nowayes be fund at any tym heirefter waying nor giwing suspision off any ewell throw his idll conversatione but sould leiw cristianlie & siwellie as becam him in all respects and that under all heiest pain and sencur that can be inflictet againes him giw he sall be fund to doe in the contrari

[signed by Notary for accused]

III.

And siclyk compeirit Robert Stewart wagobound and enactit himselff newer to be seine wageing[1] but sould imploy him selff in sume lawfull caling and giw he did in the contrar to [be] punishet according to the judges pleasur

IV.

(28 Septr 1653)

For sameikil as Alexr Stewart and Mari Ogilvie wagobounds hawing beine aprehendit and for ane certane space keipet in prison not onlie for ther skandolus cohabitation togider but also as idle wagobounds Therfor they war ordainet to be led to the marcat croce and ther giltines to be publishet befor tham ther be the hangman and thair efter to be banishet and newer to be sein within the Shyr againe under the paine of death

V.

(15 Oct 1653)

Compeirit Alexr Irving in the Woodend of Kincousie prisonar taken & aprehendit for reseting of stoln guods and enactit himselff to present himselff to the marshell upon the aucht day of Novr nixt to be put in prisone or uther wayis disposit upon as the Judges sall think fitt and in the mean tym he obleissis himselff that he sall with all diligence and cairfullnes seick efter and inquyr for Andro Folor rober and uther robers his complissis and sall tak noties of the place quhair they ar and persones with quhom they reseid and sall giw noties to the cuntrie people or the saids Judgies tymouslie for to aprehend tham and report to the saids Judgies his diligence thair anent at the tym of his said apecrance and lastlie obleissis himselff that he sall newer at any tym heireftir interteine or receave robers nor any idl nor slight persones under any paine that the Judgies sall putt upoun him

[signed by Notary]

VI.

(15 Octr 1653)

Compearet George Bell prisoner taken and apprehendit as ane Idle man and accuset of sundrie ryotts and wronges done be him to the people of the cuntrie both to their persones and goods And In respect he could

[1] Wandering or strolling as a vagrant.

get no cautioun for his good behavior Thairfour he did heirby strictlie and expreslie enact himselff That he sall betake himselff to some laufull calling and imployment presentlie and to goe presentlie furth of the Shirrefdomes off Abd. and Bamff and if at any tyme he sall returne to live hear he obleissis himself that he sall at his first comeing signifie and give notace to the Shreff principall of Abd. or his deput That he is returned to live peaceably and inoffensivlie in the countrie And sall not give offence to any persone quhatsoevir And lastlie He doeth heirby obleidge himselff that iff evir heirefter he be found to opprese any persone rob or tak away their goods or doe any kynd of injurie in the natioun That he sall be content to undergoe quhatsoevir punischment the judges quhair he sall happin to doe any such wrong or befor quhom he sall be brocht sall impone upone him tho it were death Quhairunto he heirby consents

[Signed Notarially for prisoner]

VII.

(16 July 1656)

Forsameikle as Donald Robertsone Jhon Mitchell and Thomas Gauld now prisoners within the Tolbooth of Aberdeen wer convict bee a condigne assyse for certain poynts of theft at length mentionat in ther severall Indytments and in the verdict of the assyse following therupon Therfor the said Shrreff deput decernes and ordaines the saids Donald Robertsone Jhon Mitchell and Thomas Gauld to bee banished forth of the Isle of Britane and to depairt forth of this nation betuixt the dait heirof and the sexteint day of August next to come and neuer to return thairto again during all the dayes of ther lyftyme under the paine of death to bee inflicted upon them as persons alreadie convict of theft bee vertue of the indytments given in against them and verdict of the assyse which hath followed thairupon and that without ony new process of farder probation to bee led & deducit against them or anie of them for that effect Lykas as the saids Donald Robertson Jhon Mitchell humblie acknowledged the moderatione and clemencie of the said Shreff deput and consentit to the act aboue wreittin And war content to bee condemned summarlie to death upon the forsaid conviction without anie farther process in caice it should happen them or anie of them to contravein the premissis

I Master John Campbell notar publick Shreff Clerk of the Shrefdome of Aberdein doe subscryve for the above wreittin Donald Robertsone and John Mitchell at their speciall command becaus they cannot wreat themselves as they affirmit

Entries Relating to Sheriff Officers

I.

Admission of a Sheriff Officer

(11 June 1652)

The said day compeirit James Mill at the Ower mill of Birnes and was admitit be the said Shreff deput ane of the ordinar officiars of the Shrefdome of Abd. for useing and executing of all letters and precepts decreitts breiffes and uthers to be direct in tyme cuming as he hapines to be imployet and the said James Mill accepting the said office in and upoun him Took the tender of the parliament of Ingland and gawe his oaithe de fideli administratione thairintill and for that effect finds Arthour Seattone Chalmerlane to the Erle Mershall of the lands of Dinoter cautioner and souertie for him and for observing the haill instructions insert in this book under the paine of ane hundreth punds money and for peyment to all pairties of such damnage and expenssis as they sall hapine to sustaine in the said James Mill his default anent the executione of his office

[Then follows clause of relief to Cautioner]

II.

Injunctions for Shirreffs Officiars of the Shirreffdome of Abd.[1]

1. That ilk Shirreffs Officiar doe and use his exact dilligence within the bounds of the Shyr and speciallie within that pairt thairof wher hee hes his residence for trying and finding out of all slauchters, thefts, ryots, oppresions blood & uther crymes that shall fall out or be comitted within the Shyr and how soon the officiar getts knowledg thairoff that hee giue and use laufull citation upon sex dayes warning for the pairties compearance.
2. That ilk Shirreffs Officiar at least everie moneth giue laufull advertisment to the Shirreff Clerk and report his dilligence anent the crymes mentionat in the first Article.
3. That no Shirreffs Officiar conceall any Slauchter, thift blood ryot or oppresion comitted within the Shyr nor compone nor tak benifit from any pairtie or from any person sumondit upon ane assyse.
4. That no Shirreffs Officiar presum nor tak upon hand to sumond any more persons upon ane assyse bot twentie fyve persons quhair hee

[1] Undated, but engrossed in the volume between entries 21 Novr. and 3 Decr. 1656.

hath not ane subscryued roll from the Shrreff principall his deputs or Clerk and haueing receavit anie such roll that hee sumond none bot the persons thairin contained and that hee compone not nor tak good deid from any of the persons sumondit bee him and that hee pas not from any of them upon any pretext whatsoewer.

5. That when ever blood oppresion or any uther crym is comitted within this Shyr that the Officiar sumond both pairties with three or four witnessis who best knowes and can verifie the treuth of comitting the forsaids cryms and that ilk officiar give in a formall execution subscriuit with his hand and present the same to the Shrreff Clerk the night befor the day of compearance utherwayes the said execution not to bee receaved.
6. That no officiar sumond any persone, delinquent witnes or assyssor out of malice or any uther pretext whatsoewer bot upon probable grounds of clearing the matter for which they ar sumondit.
7. That ilk officiar condescend in his execution upon the forme and manner of comitting the blood or any uther cryme and upon the tyme and place of the comitting therof and to informe himself of the samen.
8. That no officiar use any areastment or uther precept whatsoewer without warrand of the Clerk.
9. That no Shirreffs officiar conceall any blood or uther wrong bot speedilie reveall the same imediatlie efter hee getts knowledg thairof.
10. Lastlie if anie Shreffs Officiar shall happen to contravein any of the injunctions aboue wreitin that eftir tryall shall bee made thairof they shall bee ipso facto deposed, ther persons imprisoned, and utherwayes punished at the Shirreffs pleasour according the qualitie of the offence and that by and attour any actione competent against ther respective cautioners.

III.

Application for Appointment of Sheriff Officer

For
The Right Honoll
my assured freind
Thomas Gordoune
Shreff deput of Abirdein
These

Right Honoll

My low and seruice rememberit these are shawing you that the bearer heirof William Straquhan desyres to be admitted Shreffis officiar, he is qualified for the office, And albeit meanes haw failed him he is a weil

borne gentleman whose parent yor honor knew, the man himself is werie honest in all his dealings, And so requesting that he be admitted officiar ceissing to trouble yor honr further at this tym only expecting fawor in this particular I rest

Yor honors humbl servant
with powar
Ja Wight

Kincardine 30 Decr 1656.

For the Ryt Honoll
Thomas Gordon
Shreff

Rt Honoll
The bearer heiroff William Strachane my good brothr hes ane mynd to be ane off yor officiares if it be it can doe him good, Qrfor in respect he is ane freind intreats Sr yee wold doe him the favor as to admitt him and I will be caution he sall be honest in his office, Yee know Sr the tymes ar ewell and foirces many to mak vayis for ther liuing, And being that he hes ane mynd too such [?] lookes and is persuaded yee prefer him befor uthrs and both for his wyff my sister and her numerous children seing it is a mean to help them, This is all the desyre and ve for the pnt rests

Yor cousin to serve yow
A. Burnett.

[Endorsed on Wight's letter is the following, evidently addressed to the Sheriff Clerk]:—

receave the bearer to be ane off the Schireffs officers and give him ane Warrant to act hou soone he sendis in ane band frome James Wight or from Sloui

I rest
yours
Tho. Gordone

Admission of a Notary and Messenger

(7 July 1652)

Compeirit James Thome Nottar and Messenger in Ellon and producet ane Act of the Commissioners for Adminestratione of Justice to the peopill in Scotland direct to the Shreff of Abd. quhairof the tennour followes EDINBURGH the tuentie sext of Junij 1m vic and fyftie tuo yeirs Anent the Suplicatione given in to the Comissioners for Adminestratione of Justice to the peopill in Scotland for James Thom Nottar and Messenger in Ellon within the Shyre off Abd. schawing that the said James being for many yeires agoe admitted Nottar and Messenger and in exercise off

the said offices respective quhairin he hath beheaved himself duetifully and faithfully In obedience to the said Comissioners ther Declaratione emitted anent Nottars and Messengers the said James Thom being resolved to repair south to accept off the Engagment of Tender of Unjon and to acept off the saids offices from them to be exerced by him as formerly it is of treuth that the said James being aged is for the present unable to travell so far and iff the saids Comissioners in consideratione thairof doe not dispensce with his [sic] not repairing southvard for that effect he cannot but be rendered uncapable to exerce these offices eftir the first of Julij according to the said Comissioners thair Declaratione forsaid emitted thairanent notwithstanding he be most willing to acept of the said Engagment and Tender ef it were offered to him in the Shyre where he duells And thairfor humblie disyring that the premises considred the said Comissioners wold giwe ordour to the Shreff off Abd. or ather of them or thair deputs to receave his aceptance of the Engagment and Tender of Unjon and thairupoun to admitt and authorize him in exerceis of the saids offices of Nottar and Messenger as formerlie in respect of his present infirmitie to repair southvard for that effect as the said Supplicatioune at mair lenth beares which Suplicatioune being openlie red in presens of the saids Comissioners considred be them and they therwith being weill and riplie advyseit The saids Comissioners hereby grantit Warrand and Comissione to the Shreff of Abd. to tak the said James Thom his Oath and admitit of his receiving the Tender of Unjion and iff the Cautioners fund be him at his admissione to the saids offices be deseased to caus him find new cautione and to acept thairoff from the said James Thom which being don the Comissioners forsaids authorized the said James Thom in the exercise of the said offices of Notary and Messingery as formerly in respect of the said James his inability to repair Southvard wheranent they dispense be these presentis EXTRACTTED foorth of ther books of the Court of Justice by me Sic subr. Wm Downie CONFORME to the quhilk Act and Warrand thairin contanit the said Shreff of Abd. took the said James Thom his oath and admittit of his reseaving the Tender of Unjon and in respect the cautioners fund be him at his admissione to the saids offices of Nottar and Messenger ar deseaset the said James Thom fand Mr Adam Andersone burges of Abd. cautioner and sovertie for him for his faithfull adminestratione of his saids offices and for refounding to all pairties of such damnage and expenssis as they sall hapin to sustaine in the said James Thome his default anent the executione of the saids offices and the said James bund and obleist him to releive and skaithles keip his said Cautioner of this present Act and of all danger that he may incure throu any maner off way

James Thome
Mr A Andersone Cautioner

The Diet Books: Vols. XI., XII., and XIII., 1641-1659

The first of these volumes—1641-9—is identical in character with Vol. IV. of the Decree Books, and consists entirely of Interlocutory procedure, the results of which in the form of Decrees, found their place in a Decree Book Vol. VIII.; but which will not be dealt with in the present work. Following the method adopted with regard to Vol. IV. of the Decree Books, no Table of Contents of this Volume has been made. By way of general description, and as an indication of the ups and downs in the amount of the business of the Court, it may be stated that the Volume consists of some 250 pages, and that for the second half of 1641 the Interlocutors number about 81

In 1642	„	67
In 1643	„	166
In 1644	„	74
In 1645	„	60
In 1646	„	47
In 1647	„	29
In 1648	„	36
In 1649	„	164

Part of the Volume between June and November 1649 is apparently missing so that the number for that year may be understated.

In Vol. XII.—1649-53—we have a Volume of a similar character to Vol. X. of the Diet Books and the description need not be repeated. They are also alike in this, that important events in the history of the Sheriffdom took place during their currency. The former was coincident with the termination of the heritable Sheriffship, this one is marked by the supersession of Sheriffs appointed by the Scottish Estates, and the appointment of Sheriffs by Oliver Cromwell. It is thus one of the most interesting books of the series.

The establishment of order in the country at this period, seems to have had its usual effect on the Courts of Law, and the number of civil cases on the roll gradually increased in number. Take, for instance, and

really at haphazard, the cases on the roll in the month of December, 1652. They were as follows :—

1st	December	15
3rd	„	8
8th	„	11
10th	„	13
15th	„	23
17th	„	26
22nd	„	37
24th	„	8
29th	„	31

The constitution of the Court is not mentioned on all these occasions ; but when it is, it appears that the judges were Colonel Richard Ashfeild —Cromwell's Sheriff Principal—and with him Thomas Gordon, the Sheriff Depute.

The Ironsides did not favour the Classics, so even the Latin headings of the Courts were given up under them, and " Curia Capitalis " became " Heid Court," and the whole language of the Services of heirs, of which there exists a separate volume beginning on 12 October, 1649, are altered from Latin to English.

Passing to Vol. XIII.—1656-9—it will be noted that the Diet Book from 1653-6 has not been handed down to us, although it is quite clear from other books, that there must have been such a volume. It is difficult to say whether or not this Diet Book is complete at the beginning and end. The first date is 16 January, 1656, and it is more than likely that the volume originally commenced with the Yule Head Court of that year, the outside leaves of which had got torn or otherwise damaged, before it was put in its present binding. The last date is 2 March, 1659. The days of the week are for the first time used, as well as the day of the month, in connection with the stated Court days, and they are Wednesday and Friday, or as they are there spelled " Weddinsday " and " Fredday."

The increase of business is even more marked here, than in any former Volume, the enrolments being sometimes very numerous indeed, as many as between 50 and 60 having been observed for one sitting. Many of these, however, would doubtless be such as would find their place in the Small Debt roll in modern times.

Table of Contents of Vol. XII. of Diet Books

1649.
Septr. 7. **Appointment of Sheriff Clerk.** Mr. John Campbell, eldest lawful son of Mr. James Campbell of Moy presented his commission as Sheriff Clerk, but, although space was left for it, the commission was not copied into the Diet Book, and so it does not appear from whom the appointment proceeded, or what were its terms.

Octr. 2. **Head Court.** A large number of absent Barons fined £50, payable to the Procurator Fiscal for the Sheriff's behoof. The Laird of Carny (Mr. Wm. Davidsone) produced his infeftment dated 14 July, 1630, to prove that he was not bound to give personal presence nor a suitor. Eighteen Barons were present, who resolved on account of the smallness of their number, "occasioned throw the greit raine in making watteris and burnes unpassabill," to postpone the election of Commissioners to Parliament to 23 October. William, Master of Forbes, presided as Sheriff Principal.

23. **Adjourned Head Court. Parliamentary Election.** Only thirteen Barons attended, who elected Arthur Forbes of Echt and John Kennedy of Karmucks, as Commissioners to Parliament until Michaelmas, 1650, and in case of the absence of either of them, Gilbert Skeine of Dyce was to take his place. No allowances were mentioned.

1650.
Jany. 8. **Head Court.** Absent Barons fined £50. About half a dozen seem to have attended. Several are noted as being minors and among these the Laird of Haddo and Little Methlick.

April 23. **Head Court.** Fine as above. Attendance apparently very meagre.

July 31. **Fiars Court.**

Octr. 2. **Head Court.** Fine as above.

1651.
Jany. 7. **Head Court.** Fine as above. In this entry no markings were made to indicate who were absent, or who were present.

April 8. **Head Court.** Fine as above.

July 30. **Fiars Court.**

Sept. 30. **Head Court.** Fine as above. Five Lairds are marked as being represented by suitors, but these are the only markings.

1652.
May 18. **Appointment of Sheriff Principal.** Colonel Richard Ashfeild took the oath *de fideli* before Major General Deane, Commander in Chief in Scotland.

1652.

May 26. **Commissions of Sheriffs and Appointment of other Officials.** Col. Richard Ashfeild and Mr. Alexander Douglas of Downies presented Commission by the Commissioners of the Parliament of the Commonwealth of England for ordering and managing affairs in Scotland, dated 26 April, appointing them Sheriffs Principal and Commissaries within the respective Sheriffdoms of Aberdeen and Banff, until 1 November following. Colonel Ashfeild then administered the oath *de fideli* to Mr. Douglas, who also accepted the Tender of Union. Thereafter Thomas Gordoune, late Sheriff Depute, was appointed Sheriff Depute and Commissary Depute of Aberdeenshire and Banffshire, he having been already approved of by Major General Deane, and Mr. James Sandilands, and Mr. John Campbell, the late Commissary Clerk, and Sheriff Clerk of Aberdeenshire, were appointed to the same offices in the two counties. All these were sworn in and declared their consent to the Union. Col. Ashfeild gave authority to the Sheriff-depute, Sheriff Clerk, and Commissary Clerk to appoint deputes, for whom they should be responsible, whose oaths were to be taken and subscription of the Tender of Union seen to by the Sheriff-depute.

June 9. **Appointment of Commissary and Sheriff-Clerk Depute.** Mr. Sandilands and Mr. Campbell appointed John Sandilands their depute, who accepted office and was sworn in.

July 31. **Fiars Court.**

Augt. 4. **Ordinary Court.** Colonel Ashfeild and Mr. Alexr. Douglas, Sheriffs Principal, and Thomas Gordoune, Sheriff Depute, were all on the bench together.

Octr. 5. **Head Court.** Up to this time the headings were in Latin "Curia Capitalis, Pretorium," &c. In this case English is used, "Head Court, Tolbuith," &c. On the bench were Colonel Ashfeild, one of the Sheriffs Principal, and Thomas Gordoune, the Sheriff-Depute. The former signed the sentence of fine, which bore that the sum of £50 was to be paid to Mr. Alexr. Davidsone "Pror. Phiscall for the Commonwealth for the Shreffis behove."

Novr. 17. **Re-appointment of Sheriffs and other Officials** from 1 Novr. until 1 May.

1653.

April 19. **Head Court.** Both Ashfeild and Gordoune signed the sentence of fine. The name of the former does not appear again in this volume.

June 24. **Ordinary Court.** The heading states that the Court was for the cases continued from June 1, 3, 10, 15, 16, 17 and 22 and there seem to have been more than sixty on the roll.

July **Fiars Court.**

Illustrative Examples taken from Vol. XII. of Diet Books

Appointments of Sheriffs and other Officials under the Commonwealth

(18 May 1652)

The said day Major Gnall. Deane Comander in Cheife in Scotland administred to Collonell Richard Ashfeild Shreff prnll. of Abd. the oath inserted in the Commissioners of the Parlt. of the Commonweath of Ingland for ordoring and managing effairs in Scotland there instructiones for the sd. Collonell Richd. Ashfeild and Mr Alexr Dowglais of Dounyes, qlks instructiones ar daited at Dalkeith ye 26 of Apryll 1652. And the sd Collonell Richard Ashfeild gave his oath de fideli administratione of justice in his office as Shreff forsd to his best skill knowledge and power.

(26 May 1652)

COMPEARED Collonell Richard Ashfeild and Mr Alexander Douglas of Dounies and producet ane Commissione granted to them by the Comissioners of the Parliament of the Commonwealth of Ingland for ordoring and managing effaires in Scotland. Bearing thame to be nominated constituted and appoynted Shirreffis prinll. and Commissars within the respective Shirreffdomes of Abd. and Bamff qlk Comissione is daited at Dalkeith ye 26 day of Apryll 1652 years. At ye productione of the qlk Commissione the said Collonell Richard Ashfeild accepted the said offices of Shreff and Comissar within the bounds forsaid in and upone him And sicklyk the said Collonell Richard Ashfeild conforme the instructions given him and the said Mr Alexr Douglas by the said Comrs. of ye dait of ye forsaid Comissione administered the Oath injoined be the saids Comrs. ther instructiones to be given to judges to the said Mr Alexr Douglas quha took ye samen and also declaired his consent to the Union tendered in the Parliat. of the Commonwealth of Ingland ther declarationes conforme to the said instructiones in all poynts and thereafter acceptet ye forsaid offices of Shirreff and Commissar within the bounds forsaid in and upone him. Efter the saids judges ther said acceptatiounes of ther saids offices in and upone thame as is afoirsaid They ordained thair said Commissione with the Instructiones to be registrat in the Shreffis and Commissars buiks of Abd. and Bamff off the qlk Comissione ye tennor followes. BY THE COMISSIONERS of the Parliat. of the Commonwealth of Ingland for ordoring and managing

effaires in Scotland BY WERTUE of the authority to us given by the Parliament of the COMMONWEALTH OF INGLAND WE have nominated Constituted and appoynted and by these presents Doe nominat constitute and appoynt Collonell Richard Ashfeild and Mr Alexr Douglas of Dounies Shirreffs prnll. of the Shirreffdomes of Abd. and Bamff and doe heirby give unto thame full power and authoritie to exercise the office of Shirreff prnlls. within ye bounds and limits of the respective Shreffdomes of Abdn. and Bamff and ye Stewartryes and Baylywikes thairin and doe heirby further give and grant unto the said Collonell Richard Ashfeild and Mr Alexander Douglas of Dounies full power and authority be thameselffis or their sufficient deputie or deputies for quhome they will be responsibill and quhome they ar heirby authorized to substitute (the said deputies respectivelie being first approved off and allowed by the Comander in Cheife in Scotland). To use exercise performe and discharge the office of Shreffs within the severall Shreffdomes Stewartryes and Bailywicks affoirsaid and to affix and hold Shirreff Courtes within the limits and places afoirsaid To appoint and mak all uther officiars and members of Court to the office of Shreff belonging and of richt accustomed. To raise leavy and releave the amerciaments and escheets of the said Court and to proceed to the administratioun of Justice and to doe exercise and performe all uther thingis quhatsoevir of richt belonging to ye office of Shirreff within ye limits and place afoirsaid. PROUYDED that nather ye said Collonell Richard Ashfeild and Mr Alexander Douglas of Dounies nor aither of them their deputy or deputyes or any of them sall by vertue or collor of the sd. office raise leavy or array or cause to be raised or leavied any forces, for or upone pretence of suppressing any insurrectiones rebelliones or treasonis without the warrant or particular directione of the Comander in Cheife in Scotland haid and obtained in that behalff And we have further nominated constituted and appoynted and doe heirby nominat constitute and appoynt the said Collonell Richard Ashfeild and Mr Alexr Douglas of Dounies Comissars within ye forsaid Shirreffdomes of Abd. and Bamff and limits and places afoirsaid And doe heirby give and grant unto the forsaids Collonell Richard Ashfeild and Mr Alexr Douglas of Dounies full power and authoritie to execute performe and discharge ye office of Comissars within ye respective Shirreffdomes of Abd. and Bamff and limits and places afoirsaid and in als full and ample maner als any Comissar heirtofoir hath or lawfullie might use any Comissariot power within the said Shreffdomes limits and places afoirsaid or any pairt theirof and to have take and resave all fees proffittes and priviledges of richt appertaining thairunto. And doe heirby further grant unto the said Collonell Richard Ashfeild and Mr Alexr Douglas of Dounies full power and authoritie be thameselffes or thair sufficient deputie or deputies quhilk they haue heirby power to constitute and

for quhom they will be responsibill (the said deputies being first approved of and allowed by the Comander in Cheife in Scotland) To administer Justice have hould enjoy use and exerce the said Office of Comissar as afoirsaid and gnally. to doe all uther thinges for the discharging of the said office of Comissar within the places afoirsaid And we doe heirby Requyre all officers and persones quhatsoiver quhome it may concerne to be aiding and assisting to the said Collonell Richard Ashfeild and Mr. Alexr. Douglas of Dounies thair deputie or deputies in the executione of the sd. offices of Shreff and Comissar within the saids places respective PROVYDED alwayes and it is heirby declaired that the said Comissiones and powers theirin given doe continue untill the first day of November next ensuing and no longer. Given under our hand at Dalkeith the six and twentieth day of Apryll In the year of our Lord One thousand six hundreth fyftie and two Sic Subr. K. St. Johne. Ri: Deane. Robert Lilburne R. Saborry.

Followes the tennor of the Instructiounes—By the Comissioners of the Parliament of the Commonwealth of Ingland for ordoring and menaging effairs in Scotland. INSTRUCTIONIS for Col. Richard Ashfeild and Mr Alexander Douglas of Dounies the six and twentieth of Apryll instant appointed Shirreffes and Commissars of the respective Shirreffdomes of Abd. and Bamff in Scotland.

FIRST that in all cases quhair formerlie the name or style of King hath beine used in ye exercise of the afoirsaid offices of Shirreff or Commissar or aither of thame. That the name of the keepers of the Liberties of Ingland by authority of Parliament be inserted and used instead thairof. SECONDLIE That befoir ye said Collonell Richard Ashfeild and Mr Alexr Douglas of Dounies or their deputie or deputies or any uther officers or persones by them chossin by vertue of the said Commissiones or aither of them take upone thame the executione of ye said offices respectively They take the oath ensuing expressing in their taking the said oath the name of their respective offices and places And that the said oath be administred to thame als is heirefter directed and also that the said Mr. Alexander Douglas and everie of ye saids Deputies officiars and persones that ar of the Scottish natioune Doe befoir they take upone thame respectivelie the offices of places they sall be vertue of the saids commissiones or aither of thame chossin unto Declair there assent to the Union in manner following.—I do declair my willing consent unto the tender of the Parliament of the Commonwealth of Ingland That Scotland be Incorporated thairinto and maid one Commonwealth with Ingland that therby the same Government that is established in Ingland without a king or house of lords may be designed to ye people of Scotland And that I will be true and faithfull to the said government and live peacablie under and yeeld obedience unto the

authoritie thairof exercised in Scotland. THE OATH you sall sweere you sall be true and faithfull to ye Commonwealth of Ingland as the same is now established without a king or hous of Lords. You sall well and truelie execut ye office of within ye respective Shirreffdomes of Abdn. and Bamff according to the best of yor skill knowledge and power. So help you God. THIRDLY That the said oath be administered als afoirsaid unto the said Coll. Richard Ashfeild by the Comander in Cheife in Scotland or such persone or persones als he sall appoynt and that ye said Col. Richard Ashfeild do administrat ye same als afoirsaid to ye said Mr Douglas and also see him declare his consent to the Union als aforsaid and that the said Collonell Ashfeild and Doctor Douglas doe administrat the said oath als afoirsaid to the said deputie and deputies and all uther the afoirsaid officiars and persones to be chossin als afoirsaid respectively and also see such of them as ar of the Scotts nation declare thair consent to the Union as afoirsaid respectively. Given under our hands at Dalkeith the six and tuentieth of Apryll in the year of our Lord ane thousand six hundreth fyftie tuo.

I DOE CERTIFIE that this is a true copie of the Instructionis given to all that ar to execute the office of Shirreff and Commissary. The originall quhairof being left unsigned by the speidie departure of the Commissioners wes sent efter them to be signed and returned. Sic subs^{r} Ri. Deane.

The said day, the saids Coll. Richard Ashfeild and Mr Alexr Douglas of Dounies Shreffs prinll. and Commissars of Abd. and Bamff Be wertue of the power to them given by the forsaid Commissione Elected nominat and choysed Thomas Gordone lat Shirreff Deput of Abd. to be Shirreff and Comissar deput of saids respective Shyres of Abd. and Bamff during the tyme they were judges in the saids judicatories, The said Thomas Gordon being approvin by Major Gnall. Deane Comander in Cheife in Scotland conforme to the sd Gnall. Major his declaratione thairanent daited the day of Apryll, 1^{m} vi^{c} fyftie tuo.

Lykeas the said Coll. Richard Ashfeild and Mr Alexr Douglas administrated the afoirsaid oath to the said Thomas Gordone and the said Thomas Gordone declared his consent to the Union In maner prescryuet be the saids Instructiones and accepted the saids offices of Shirreff and Commissar deput within the bounds forsaid in and upone him And gave his oath de fideli administratione thairintill. Quhairupone the said Thomas asket and tooke instrument.

The said day the judges forsaid Be vertue of thair said powers Did elect nominat and choise Mr James Sandilands Commissar Clerk of Abd. and Bamff, And Mr Johne Campbell Shirreff Clerk of Abd. and Bamff and did administrat the oath to them appoynted to be given to Clerks And als the saids Mr James Sandylands and Mr Johne Campbell declared thair

consent to the Union in maner prescryved be the said instructiones and ilk ane of thame accepted their saids offices respectively in and upone them and gave thair oaths de fideli administratione thairintill. Quhairupone ye saids Mr James and Mr Johne asket and tooke instruments.

(10 June 1652)

The said day The said Collonell Richard Ashfeild gave full power and Warrand to the afoirsaid Thomas Gordone and to Mr Johne Campbell prinll. Shreff Clerk and Mr James Sandylands prinll. Commissar Clerk to nominat their deputs as they sall think fitt for quhome they ar to be ansuerable and the said Thomas Gordone to accept the oathes of any deputy clerks and see them subscrive ye tender.

The said daye in presens of Thomas Gordon Shreff and Commissar deput of Abd and Banff Mr James Sandelands and Mr Jon Campbell Shreff and Commissar Clerks of said Shreffdomes be vertue of the power given them be Collonell Ashfeild elected nominat and choosed Jon Sandelands ther deput who having accepted the tender took the oath appoynted to be given to Clerks and the said Jon Sandelands being personallie present accepted the said office in and upon him and gave his oath de fideli administratione thair intill

Tho. Gordoune.

Table of Contents of Vol. XIII. of Diet Books

1656

April 15. **Head Court.** Arthur Forbes of Echt, Sheriff Principal, and Thomas Gordoune, Sheriff Depute presided, both of whom signed the sentence of fine. Two changes were made in the sentence on this occasion. Instead of the word "Barons" the words "Noblemen and Barons" were used, and the fine for the absence of each suitor, which was formerly the same as that for personal absence, viz. £50, was reduced to 10 merks.

May 8. **Appointment of Sheriff Principal.** Arthur Forbes of Echt presented Commission by Oliver, Lord Protector of the Commonwealth of England, Scotland, and Ireland, dated 12 March, appointing him Sheriff Principal of Aberdeenshire for the year from 26 March, 1656 to 26 March, 1657.

Appointment of Sheriff Depute. Forbes of Echt appointed Thomas Gordoune, who was sworn.

Appointment of Sheriff Clerk. Mr. John Campbell presented Commission by the Lord Protectors Council in Scotland, dated 1 March, 1656, appointing him Sheriff Clerk of Aberdeenshire until the further orders of the Council. He accepted office and was sworn in.

Augt. 1. **Fiars Court.**

Octr. 16. **Head Court.** The absence of Suitors was penalised to the extent of £50 as formerly, the fine for personal absence being the same sum.

1657.

Jany. 13. **Head Court.** Fine for absence £50.

Feby. 25. **Fiars Court.**

May 1. **Appointment of Sheriff Principal.** Arthur Forbes of Echt produced Commission for year to 26 March, 1658, dated 1 April, 1657, proceeding from "Oliver bee the Grace of God Lord Protector of the Commonwealth of England Scotland Irland and dominions therto belonging."

Octr. 6. **Head Court.** Fine for absence £50.

1658.

Jany. 12. **Head Court.** Fine for absence £50.

Feby. 3. **Fiars Court.**

April **Appointment of Sheriff Principal.** Arthur Forbes of Echt produced Commission dated 19 February 1658, from his Highness the Lord Protector reappointing him until 1 Jany., 1659; but the Commission was not engrossed as on former occasions. Thomas Gordoune was reappointed by the Sheriff Principal as Sheriff Depute.

1658.
April 20. **Head Court.** Absentees fined £50.

Octr. 5. **Head Court.** Fine as formerly.

Decr. 31. **Ordinary Court.** The Sheriff Principal, Forbes of Echt, was on the bench.

1659.
Jany. 5. **Ordinary Court.** Mr. Alexander Forbes sat as Sheriff Depute.

Feby. 4. **Ordinary Court.** Forbes of Echt was on the bench.

Illustrative Examples taken from Vol. XIII. of Diet Books

Appointment of Sheriff and other Officials

(8 May 1656)

THE SAID DAY compeired Arthur Forbes of Echt and produced ane Commissione wherby his highnes Lord Protector of the Comonwealth of England, Scotland, Ireland and Dominions belonging thairto Did make and constitut the said Arthur Forbes of Echt Shreff prinll. of the Srrefdome of Abd. with power to him to use and exerce the said office in all and sundrie the priviledges and liberties therof, prerogatives and jurisdictions lawfullie belonging thairto, and to take levie and intromitt with the fees, profits and casualities belonging and dewe to the said office, and to make substitut and ordain ane deput under himself in the said office (who is to bee approved bee his Highnes counsell in Scotland befor hee exerce the said office) with officiars, serjants and uther members of Court for quhome hee shall bee holden to answer (except the Srreff Clerk who is from tyme to tyme to bee nominat bee his highnes counsell). Which comissione is to continue from the xxvj day of March last by past inclusive to the xxvj day of March next to come in the year of God $1^{m}vi^{c}$ lvij years exclusive: as the said Commissione of the date the xij day of March in this instant year of God $1^{m}vi^{c}$ lvj years at mair lenth bears. QUHILK Comissione being publictlie read the said Arthur Forbes of Echt accepted the said office of Shreff prinll. of Abd. in and upon him and ordaines the said Commission to bee registrat in the Sreff Court books of the said Srreffdom of Abd. of ye quhilk Commissione the tennor followes :—

OLIVER Lord Protector of the Comonwealth of England Scotland and Ireland and of the Dominiones belonging thairto TO ALL MEN to whos knowledg sall come Greeting. BEE IT KNOWEN that forsameikle as wee understand the good affectione and voluntarie inclinatione Arthur Forbes of Echt hath to doe us service, and that hee is of sufficient judgment and experience to undergo the office of Srreff within the boundes of the Srreffdome of Aberdeene THERFOR wee haue made and constitut lykas bee this our present Commissione wee doe make and constitut the said Arthur Forbes Srreff prinll. of the said Srreffdome of Abd. giueing to him the office thairof with all fees, duties honours dignities priviledges prerogatives and jurisidictions lawfullie belonging thairto WITH POWER to the said Arthor Forbes to use and exerce the said office in all and sundrie the priviledges and liberties therof and to take leavie and intromitt with the fees duties profeits and casualities dewe and belonging to

the said office according to the raites and pryces ordered bee our Commissioners for administratione of Justice to the people in Scotland bearing dait the fourteint day of January $l^{m}vi^{c}$ lviij years AND DOE by thes presents authorize and requyr the said Arthor Forbes or his deputs to assist the Clerk of our Criminall Court and his deputs in all citations and uther preparations for the Circuit and Criminall Courts dureing ther abode within the said Shyr and to collect gather and receaue all unlawes fynes and amerciaments of the saids Courts and to exercise all the offices and services at the said Court which was incumbent to any Shreff at any tyme befor, Lykwayes with the said freedome and authoritie as the said Arthor Forbes[1] or his predicissors did or might haue done in any tyme past, and to appoynt, affirme, affix, begine and hold Srreff Courts within the Tolbooth of our Burgh of Aberdein and uther places within our said Schirrefdome wher they used and wer accustomed to sitt and the same als oft as is or shall bee neidfull to continue, The sutes to cause bee called the absents to amerce and unlaw, The dues amerciaments and unlawes of the saids Courts to demand levie receaue and if neid bee to poynd and distrenzie for the same and to proceid and minister justice in all and sundrie causes criminall and civell proper and competent to the said office and to pronounce decreets & sentences therupon and the said decreets to cause bee put in dewe executione, To receaue the breeues of our Chancellary of whatsomeuer natur direct or to bee direct to our said Srreff and the same to cause bee opinlie proclaimed and put in due executione, And to cause Juries and Witnesses als oft as neid shall bee or any of them to bee summoned warned chosen and sworn under the penalties used and accustomed, And to make creat substitut and ordaine ane Deputy under himself in the said office to bee approued of bee our Counsell of Scotland befor hee shall exerce the said office with officiars serjands and uther members of Court for whom he shall bee holden to ansuer (except the Schirreff Clerk who is from tyme to tyme to be nominated bee our said Counsell) With power also to the said Arthur Forbes to demand receaue Intromitt with and leavie our castlwardes blensch ferme duties and entries of free tennants Togidder with the amerciaments and unlawes of our said Criminall Courts within ye bounds of our said Shirreffdom And if neid shall bee to poynd and distrenzie for the same to make accompt and payment therof to our exchekker. And the said Arthur Forbes is lykwayes authorized and requyred to summond and return juries according to such tymes and places as shall bee appoynted bee our Justices of Peace at their severall quarter sessions To be holden within our said Srreffdom wher his Deputyes is also to atteind in order to such further services as shall bee appoynted by our Justices at three Quarter Sessions. AND generally all and sundrie uther things to doe use and exerce which properlie belongs

[1] Making it clear that this was not Arthur Forbes' first term of office.

to the said office or by the law and consuetud of this natione is knowen rightiouslie to appertain therto, Firme and Stable holding whatsomeuer our said Srreff or his Deputy shall doe in the premisses. WHAIRFOIR we command and requyr all and sundrie the people of this natione whom thir presents concerneth or any wayes may concern That they readielie obey honor acknowledge concurr with fortifie and assist our said Srreff and his Deputy In all and sundrie things tending to the executione of this our present commissione and that they neither doe nor attempt anything to thair prejudice or hindrance as they or any of them will ansuer at their perrill PROVYDED alwayes that neither the said Arthur Forbes or his Deputy shall bee vertue or cullour of thair said office raise leavie or array or cause to bee raised or leavied any force for or upon the pretence of suppressing any insurrections seditions rebellions or treasones without the warrand or particular directione of our Comander in Cheiffe in Scotland had and obtained in that behalf. And these our Letters of Commissione are to continue from ye twentie sext day of March instant inclusive to the twentie sext day of the month of March 1mvic lvij exclusive. Given under the hand of the Keeper of Our Great Seall the twelft day of March the year of our Lord 1656 years By warrant subscryvitt by the Commissioners of our Exchekker. So it is subsryved Sa. Disbrowe Sealled at Edinburgh the xxj of March 1658 An. Abernethie. Written to the Great Seall the twentie day of March 1656 So it is subscryued A Kesone dept.

The said day Arthur Forbes of Echt Shreff prinll. of the Srreffdom of Abd. bee vertue of the power given to him bee the forsd. Comission elected nominat and choysed Thomas Gordon formerlie Srreff deput of the sd. Shreffdom To bee his deput in the sd. office dureing the tyme of the sd. Commission And the sd. Thomas Gordon being personallie present accepted the forsd. office of Srreff deput in and upon him and gave his oath for faithfull administratione thairintill.

A. Forbes of Echt.

The said day compeired Mr John Campbell formerlie Srreff Clerk of Abd. and produced ane Comissione granted by his highnes Counsell in Scotland for the government thereof, Wherby the said Counsell did nominat and constitut the sd. Mr John Campbell to be Srreff Clerk of the Shyre of Aberdeen, Authorizing him to performe and discharge the sd. office thorowout the sd. Schyre and all duties incumbent thairunto, With full power and authoritie to the sd. Mr John to receave and enjoy all fees and emoluments established and allowed by the lawes of this natione and of right appertaining to the sd. office And the samen is to continue till farther order from the sd. counsell as the same of the dait at Edinburgh the first day of March 1m vic lvi years at more lenthbears. Which Commission being publictlie read the sd. Mr John Campbell accepted the said office of Shirreff Clerkship of the Srreffdom of Aberdeen in and upon him and thairupon took Instruments.

PART II.

Officials, 1649 to 1660

OFFICIALS OF THE SHERIFF COURT OF ABERDEENSHIRE

The Sheriffs

1652-1653. COLONEL RICHARD ASHFEILD.[1]

A single glance at the general political situation may not be amiss. In the end of 1647 the Scottish Commissioners had agreed to accept certain promises made by Charles, for the establishment of Presbyterianism and other things, and to send an army into England to secure his restoration. A large part of the English people were also ready to accept his promises to them, and risings occurred both in England and Wales. These were crushed, the Scottish invasion repelled by Fairfax and Cromwell in 1648, and the Commonwealth established in England in 1649. At midsummer 1650, Charles II. landed in Scotland, and on making the well known engagement to be a Presbyterian King, was backed by the Scottish nation. On September 3, 1650, Cromwell defeated the Scots at Dunbar, and took possession of Edinburgh, and a year later, on the anniversary of the battle of Dunbar, utterly crushed Charles' army at Worcester. All semblance of resistance was thus ended, and the existence of the Commonwealth for the time assured. Immediately after Worcester, on 7 September, 1651, General Monck, who had been left in Scotland by Cromwell when he followed Charles' army into England, and who had taken Dundee by storm a few days before, entered Aberdeen and took peaceable possession of it for the Commonwealth, a state of matters that lasted eight or nine years. This brings us to Cromwell's first Sheriffs principal of Aberdeen, Col. Richard Ashfeild, and Mr. Alexr. Douglas of Dounies, and in the Diet Book for 1652, Ashfeild's name is frequently mentioned and his commissions and installations are recorded. The first commission in favor of Ashfeild, which we find recorded is dated 26 April, 1652 (*Supra*

1 The notes upon this Sheriff are based mainly upon the Court records, the Scots Acts, and Firth's Commonwealth.

p.p. 70 and 71), and he and his colleague Mr. Alexander Douglas of Dounies took the Oaths on 18 May. According to the Decree Book of the Court, they had already (4 May, 1652) taken their seats on the bench, along with Thomas Gordon the Sheriff-Depute.

The first Commission was for six months: but it was renewed and there are traces of Ashfeild sitting in Court (as he frequently did, but always along with Thomas Gordon, the depute) until the end of 1653. Unfortunately there is no Diet Book proper, between 1653 and 1656; but there is evidence that Ashfeild was not in office in 1655, and a presumtion that he vacated the place earlier.

Nothing has been ascertained as to Col. Ashfeild's family or history before his coming to Scotland, but various references to him occur in published documents, some of which may be suitably introduced in this place.

When the force under General Monck was left in Scotland by Cromwell, who had with the main army of the Commonwealth marched southwards, Ashfeild remained with it, in command of a Regiment of Foot. Leaving Kinross on 4 Augt., 1651, for Stirling, Monck beseiged the latter place, and when the officer in command of the garrison offered to surrender, Ashfeild was one of two officers appointed to adjust the terms. On 1 Septr. following, he took part in the storming of Dundee, and soon after we find his Regiment mentioned as being in Aberdeen.

Among the orders of the Council of State at Whitehall regarding Scotland the following are found.

October 6, 1653.—"That a letter be written to Ashfeild, Governor of Aberdeene in Scotland to let him know that he is to pay in to the Commissioners in Scotland such summe or summs of money as he had received upon the sale of the thirtie fishing vessels which were delivered to him by the Generalls of the Fleet in order to be sold for the use of the publiq"

April 5, 1654.—"That the Commissioners for administration of Justice in Scotland be and hereby are impowred to determine and judge according to law and justice to whom the Doggarboats sold by Col. Ashfeild and Major Pepper at Aberdeene in Scotland as also the vessel taken at Dundee and sold by the officers in Sept. 1651 doe of right belong and to take order for their disposeall accordingly"

It appears from the lists of Commissioners for collecting taxes in Scotland, that Ashfeild was transferred from Aberdeen to the west of

Scotland, his name appearing among the Commissioners for collecting taxes for the Shires of Lanark, Dumbarton, Renfrew, &c. His name also occurs in the Act for the security of the Lord Protector's person, passed in September, 1656.

One might gather from the terms of the following extract from a letter of General Monck to the Protector, dated Dalkeith, 21 March, 1656, that when in Aberdeen Ashfeild may have been on intimate terms with the Quaker Provost Jaffray of Kingswells. General Monck writes :—
"May it please your Highnesse,—I have latelie received divers letters from many officers heere in Scotland, concerning the quakers, which they are afraid will encrease much among these forces in Scotland, unless your highnesse please to take some course in it. I thought it my duty to acquaint your highnesse therewith, and to send enclosed a letter I received from Colonel Daniell,[1] who doth nott know of the officer commanding his Company at Invernesse his being turned quaker, as Lieut Col. Man writes in his letters, which I have also sent to your highnesse, and truly I know noe Colonel nor officer of the field in Scotland favors them but Col. Ashfeild: and in Major generall Berrie's regiment, that came lately into Scotland, there being three officers quakers, and where they are (as I am informed) the greatest part of their troops are quakers. Truly I thinke they will prove a very dangerous people, should they increase in your army, and be neither fitt to command or obey, but ready to make a distraction in the Army, and a mutiny uppon every slight occasion. I desire (if your highnesse please) I may receive your order how I may carry myself to prevent this growing evill" and so on.

In May and June, 1656, Ashfeild seems to have been in command of the forces at Glasgow.

Two years later, and some six months before the death of Oliver Cromwell, General Monck, dating from Leith on 22 March, 1658, wrote to Secretary Thurloe about Ashfeild, then apparently in London and some others as follows :—

"My Lord
"I am sorry to heare your debates are soe longe and your businesse goes so slowly on. I pray God unite your hearts, soe that you may settle things that may be for his glory and the peace of the nations. I much wonder they should question the Scotch Commissioners to sitt in parliament, being the country is united to England. I am sorry to heare, that

1 In Daniell's letter the following passage occurs "but really my Lord, it may be sayed of this generation of stupid Scottish people as was sayed by the apostle of Himenaeus and Philetus that their word doth eat as a canker." [Firth's Protectorate, p. 350.]

any of the Scotch officers should be acting to divide and distract you. I could wish you had written to mee the names of them. I heard of Coll. Ashfeild and my lieutenant-colonell; and if there be any more, I shall desire to heare their names, and I shall write to them. If they were heere, these two could signifie but a little, as little as any two officers in Scotland: but I could wish his highnesse would command them away to their commands, which I think would be the best course. As to what they are pleased to say, that the rest of the forces in Scotland are of their opinions, I assure you that they are much deceived: for there are no forces can be quieter than these are, and shall bee satisfied with any things his highnesse and parliament shall settle. And thus much you may be confident of from

Your Lordship's
very humble Servant
George Monck"

No farther notice of Col. Ashfeild has been found and his name does not appear in the list of officers who signed the famous address to General Monck on 2 May, 1660, with reference to the Restoration of Charles II.

1652. MR. ALEXANDER DOUGLAS OF DOUNIES.

Although the appointment of Col. Ashfeild and Mr. Douglas was to both counties, the latter almost never exercised the office in Aberdeenshire. He must, however, be placed on the list of Sheriffs of that county. Dr. Douglas (for he was M.D.) was a very notable personality in his own town and county of Banff, as well as in Scottish affairs. Several times Provost of Banff and Member of the Scottish Parliament, a consistent supporter of the Covenanting cause, he was marked out for the appointment of Sheriff, which he received from the Government of the Commonwealth. Even those on the opposite side of politics seem to have respected his uprightness and capacity, and although he was assassinated, the circumstances of his death point rather to private than to public malice. Very frequent and varied notices of Dr. Douglas appear throughout the pages of Dr. Cramond's two volumes of the Annals of Banff, published by the Club. The date of Dr. Douglas' death is uncertain.

1656. ARTHUR FORBES OF ECHT.

A specimen of the Commissions under which the Sheriff acted will be found on the preceding pages. (*Supra* p. 78.) It is dated in 1656, but it is clear from its terms as well as from one of the Books of Decrees, that he was acting at least as early as the beginning of 1655 and probably during 1654.

This laird of Echt, whom we have already heard of, as an unsuccessful nominee to the Scottish Parliament at Michaelmas, 1647, was successful at an adjourned Head Court on 23 October, 1649, and had been, like most of the Forbes family, on the Covenanting side. We now find him accepting office under Oliver Cromwell and the Commonwealth, and it seems probable that he remained in office until the Restoration or nearly so. In corroboration of this we find Forbes' name among the Scotch Judges reported on, in Richard Cromwell's time (supposed to be in the summer of 1659), the report being in these terms, "The Laird of Eight, of known integrity and good ability."[1]

On 11 November, 1659, the Laird of Echt was, by a majority of the heritors, chosen to represent the county at a conference with General Monck in Edinburgh on the 15 of that month, and he was present at another meeting in Aberdeen on 2 December same year, when the majority of those present commissioned Charles, Lord Aboyne to be the bearer of their letter to Monck at Berwick.[2]

The time of Arthur Forbes' birth may be approximately guessed from the fact that on 1 October, 1639, he appeared at a head Court of the Sheriffdom stating himself to be under 24 years of age and revoking deeds granted by him to his hurt in his minority, and specially an obligation by him as principal, Mr. Robert Forbes, portioner of Finersie Minister at Eacht, and Mr. Alexander Forbes, his son, as cautioners to Robert Gardyne of Tillifroskie for 800 merks dated 20 June, 1636. The Sheriff-Depute presiding was Mr. William Davidson of Carnie, and both he and Forbes signed the Act of Court. (*Vide* Vol. II., p. 498.)

[1] Firth s Protectorate, p. 386. [2] Records of Aboyne, pp. 321-3.

The Sheriffs-Depute

1649-60. THOMAS GORDOUNE, SON OF THE LATE JOHN GORDOUNE OF LITTLE GOWELL.

The appearance of this scion of the house of Gordon on the bench in June 1649, during the Sheriffship of William, Master of Forbes, and his continuance, first in the service of the English Commonwealth, and afterwards of Charles II., greatly excited the interest and curiosity of the writer. No commission or appointment nor any designation of him, by which his identity could be ascertained with certainty, was found in the Books of Court, although there was much to suggest that he was the Thomas Gordoune who had been Sheriff-Depute, 1621-26, and this has been ascertained to be the case. It would appear from the Register of the Privy Seal, that while Charles I. was with the Scottish Army at Newcastle in 1646, letters were issued, dated 20 September, appointing Thomas Gordoune, son of the late John Gordoune of Govell, Sheriff-Depute of Aberdeen, to the Sheriff-Deputeship of Aberdeen, vacant by deposition of Mr. William Davidsone, Advocate. These letters were not sealed with the Privy Seal until 24 May, 1647. But events moved fast in those days, and already on 17 March preceding the Scottish Parliament had appointed Sir William Forbes of Craigievar Sheriff, and John Forbes of Asloune Sheriff-Depute, both until Michaelmas following. The laird of Craigievar was succeeded by William, Earl Marischal as Sheriff, and Asloune was succeeded as Sheriff-Depute by John Keith of Clackriach, who was also Convener of the Committee of Defence for Aberdeenshire. Until the Earl Marischal was deprived in March, 1649, and with him Keith of Clackriach, there was no room for Thomas Gordoune; but then came his opportunity, and it is extremely likely that, if the record of the Pasch Court of 1649 had been extant, it would have contained some notice of his installation. Interesting as all this is, by way of side light upon the events of that stirring time, it is not the only interest that surrounds the subject of this notice. What manner of man was this, who, being a Gordon, a son of a

devoted adherent of that house and of the throne, could yet keep his place under the Scottish Estates, the Commonwealth, and during the Restoration, until his retirement was compelled by the infirmities of age and blindness? Perhaps he possessed some of the office-keeping qualities, parodied in a well-known song, perhaps not! This at all events must be said of him, on the testimony of these old records, that he was, both in his youth and in his age, most faithful and regular in the performance of the duties of his office.

Gordoune was appointed one of the Commissioners of Taxes for Aberdeenshire in the years 1655, 6 and 9, and in 1661 was, by Act of Parliament of Charles II., dated 14 June, 1661, elected one of the Auditors upon the accounts of John Forbes of Tulligony, who had farmed the Excise of Ale, &c., for Aberdeen and Banff in 1655.

1650 *et seq.* ALEXANDER FORBES (NOWHERE DESIGNED).

When Thomas Gordon was absent from duty, which was seldom, his place appears at this period to have been taken by Alexander Forbes, designed simply Sheriff-Depute of Abd. On the list of Advocates in Aberdeen an Alexr. Forbes is mentioned as having qualified in 1648, and a person of the same name was subsequently one of the Commissioners of Taxes for the Burgh of Aberdeen under the Commonwealth. It is probable that the Sheriff-Depute, Advocate, and Commissioner of Taxes were one and the same person.

The Sheriff Clerk

1649-60. MR. JOHN CAMPBELL (AFTERWARDS OF MOY).

On 7 September, 1649, Mr. Campbell, designed as eldest lawful son of Mr. James Campbell of Moy, presented a gift of the office of Sheriff Clerk, and beginning a Decree Book on that day, caused it to be entitled "Register of Decreetis vii September 1m vic fourtie nyn yeares qlk wes the tyme of Mr. Johne Campbell his entrie to the office of Shreff Clerk within the Shreffdome of Abd." Unfortunately the Deed of Gift or Commission was not copied into the blank space which was left for it, so we have been left in ignorance of its terms; but more care was taken when he was re-appointed by the representatives in Scotland of the English Commonwealth. [Supra pp. 74, 75, 80.] There is nothing to show when Mr. Campbell ceased to hold office, but presumably he did so about 1663 when we find mention of a new incumbent. On 8 March, 1654, he was admitted a burgess of Abd. *ex gratia*, as having married Jean Moir, the daughter of Principal Moir of Marischal College who was a burgess, and when, on 24 April, 1674, his wife resigned any rights which she had to the lands of Old and New Westhall in the Parish of Oyne, in favor of Mr. James Horne, Minister at Elgine and Isobel Leslie, his wife, Mr. Campbell (designed of Moy) appeared and signed as consenter.

In the Brodie Diary, Mr. John Campbell of Moy and his wife are mentioned as having been at Brodie in 1684, and from a passage in Jervise's Inscriptions it would appear that Mr. Campbell was buried with his kindred in the churchyard of his native parish.

The Procurator Fiscal

1649-60. MR. ALEXANDER DAVIDSONE ADVOCATE IN ABERDEEN.

Mr. Davidsone who was in office before 1649, continued to act during the whole of the English occupation.

SUPPLEMENTARY LIST OF OFFICIALS

I.—Officials 1660-1748

The Sheriffs

1660-71. WILLIAM, 6TH EARL MARISCHAL.

In the Scots Acts of 1661 we find a Ratification of a "signatour superscryved be his Maiestie at Whitehall the tent of Agust 1660" whereby Charles II. gave effect to a gift by his Royal father to William "now Earle of Marischall" for his lifetime, of the Sheriffship of the Shire of Aberdeen, and a new grant to be made out. The Diet Books furnish evidence of the Earl Marischal having acted as late as 1668, and there cannot be much doubt but that he held the office until his death in 1671. He also held the place of Lord Privy Seal. During the short visit of Charles II. to Scotland in 1650 he was entertained at Dunnottar by the Earl Marischal, who was taken prisoner by the English forces in the following year and imprisoned in the Tower until the restoration.

1672-77. ALEXANDER, LORD FYVIE, AFTERWARDS 3RD EARL OF DUNFERMLING.

The connection of this family with Aberdeenshire is now a matter of ancient history and not many are aware that Setons were proprietors of the estate of Fyvie for about a century. It passed from the Meldrums by purchase in 1596 to Lady Seton and her son, afterwards 1st Earl of Dunfermline, and it was forfeited in the person of James the 4th Earl, who adhered, at the Revolution of 1688, to the cause of King James VII. and fought at Killiecrankie. The first, second and fourth Earls seem to have been men of mark: but nothing notable is on record regarding the third Earl. His father died in 1672 and he did not long survive, for the

Commission of his successor in the Sheriffship of Aberdeen is dated October, 1677. The only mention of the Earl's Sheriffship in the Sheriff Court Books is found in that Commission, and in that of Sir Charles Maitland of Pitrichie, as Sheriff-Depute, but in the Calendar of State Papers, Domestic 1671-2, there is mention of a warrant dated 22 January, 1672, for a grant of the office to Lord Fyvie, as Sheriff for his life, in succession to William, Earl Marischal. His death took place between 23 August and 27 October, 1677.

1677-82. JOHN, 12TH EARL OF ERROLL.

Lord Erroll's Commission, which was for life, was dated at Whitehall, 27 October, 1677, and was presented by him in Court in Aberdeen, on 8 January, 1678, and engrossed in the Diet Book. He presided on 25 Jany., 1681, at the serving of Sir Charles Maitland of Pitrichie (who was then a Sheriff-Depute) as heir to his brother Sir Richard Maitland, in the Barony of Gight, and on various other occasions, some of them in connection with rival claims to the office of Sheriff-Depute, which will be afterwards noticed. On 22 Novr., 1682, he presided, when the Commission of his successor (he having resigned office) was presented, the closing words of the entry on that occasion being these "And the said Nobl Earle removeing furth of Judgement the said Court was affirmed & fenced in name of the said Lord Chancellor."

1682-85. SIR GEORGE GORDON OF HADDO, LORD HIGH CHANCELLOR OF SCOTLAND.

Sir George Gordon had been rapidly coming to the front as a territorial magnate, lawyer and statesman, and it may be information to some to learn, that for a time, and while he was Lord Chancellor, he was also Sheriff Principal of his native County. His Commission was dated "Apud curiam nostram de Newmarket," 16 Octr., 1682, and as already stated, was presented on 22 Novr. following. He had previously taken the oath *de fideli* and the various other oaths and declarations necessary, as is evidenced by a Minute of the Privy Council, engrossed in the Diet Book, dated 7 Novr., 1682. He was, therefore, exempted from taking these at Aberdeen, and did not present his Commission in person.

His appointment was during the royal pleasure only. Eight days after his Commission as Sheriff Principal of Aberdeen was presented, he was raised to the Peerage and became the first Earl of Aberdeen. He resigned the Chancellorship in 1684, in consequence of a difference with his colleagues in the Council, and the office of Sheriff in the following year. On 9 January, 1685, he is mentioned as presiding in Court, as Sheriff Principal, when there was presented for registration a Substitution granted by Mr. Aeneas McPherson of Invereshie, Sheriff-Depute of Abd. in favor of Andrew Thomson, Advocate in Abd., signed at Abd. of the same date, but there is doubt as to whether such statements in the Registers of Deeds, prove the actual presence of the Sheriff or Sheriff-Depute who is mentioned. All accounts represent him as a man of sound knowledge, solid ability and high authority.

1685-1704. JOHN, 12TH EARL OF ERROLL.

The Earl of Erroll was reappointed Sheriff, but unlike his former Commission, which was for life, this one, dated at Whitehall, 1 May, 1685, was during the King's pleasure only. Presumably, however, he continued to hold office until his death on 30 December, 1704. On 24 July, 1685, he signed at Slains a Commission to John Hay of Aichres [Achiries] as a Sheriff-Depute in that part to take the Renunciation of a lady residing in the country, and on 6 October thereafter, he presided as Sheriff, along with Andrew Thomson as Sheriff-Depute, at the service of Charles, Earl of Aboyne, Lord Strathaven and Glenlivet to his father, Charles, Earl of Aboyne, &c., whose death was said to have occurred in March, 1681. The jurors on that occasion were George, Earl Marischal, Charles, Lord Fraser, Sir George Nicolson of Kemnay, one of the Senators of the College of Justice, Sir James Baird of Auchmedden, Sir John Forbes of Craigievar, George Leslie, Provost of Abd., Gilbert Menzies of Pitfodles, Sir William Keith of Ludquharn, Sir Alexander Burnett of Craigmyll, Sir George Skeen of Fintray, Arthur Forbes of Auchintowll, James Fraser of Tyrie, Alexander Elphingston of Wartle, Mr. Alexander Irvine of Lairny, Mr. Richard Irvine of Cairnfield, David Eadie of Newwork and George Paton of Grandhome.

1705-16. JOHN, 11TH EARL OF MAR.

It appears from the terms of the grant by Queen Anne, dated 3 April, 1707, of the office of Sheriff Principal, in favor of the Earl of Mar for life, and his son succeeding him, which is engrossed in the Diet Book that he already had an earlier grant during the Royal pleasure only. The earlier Commission has not been recorded in the Books of Court; but it has been elsewhere ascertained to have been dated 28 June, 1705. The Earl of Mar's career is matter of public history; but it is probably not so generally known that, among many other marks of royal favour, following upon his strong support of the Union, there was, as appears from the Commission of 1707, a restoration in his case, of something like the old heritable Sheriffship. A Privy Councillor and a Secretary of State under Queen Anne, he was deprived of these offices by George I., and became a plotter against the Hanoverian dynasty. Some temporary success followed the rising, which he initiated at Braemar in his own Sheriffdom, on 6 Septr., 1715, but before the winter had passed he was an exile and under forfeiture.

1716-22. JOHN, 7TH EARL OF ROTHES.

The office of Sheriff Principal of Aberdeenshire being at the disposal of George I., "per condemnationem Comitis de Mar pro laesa majestate et rebellione," the King proceeded (6 July, 1716) to confer it on the Earl of Rothes. A grandson of the Duke of Rothes, the staunch adherent and well known high Chancellor of Charles II., one might have expected to find this Earl side by side with Mar. On the contrary he took an active and not unimportant part in opposing the rising, and among other services, commanded the volunteer horse on the King's side at Sheriffmuir. He was several times elected a representative peer, and acted as High Commissioner to the Church of Scotland from 1715 to 1721, both inclusive. He also had the heritable Sheriffship of Fife; but the Aberdeenshire office was conferred during pleasure only. His death took place on 9 May, 1722.

1722-48. JOHN, 8TH EARL OF ROTHES.

No grant or commission has been found in the Books of Court; but the fact that the young and newly succeeded Earl renewed, immediately

after his father's death, the Sheriff-Depute's Commission, went far to prove that he must have been entitled to do so, and an entry in the Register of the Great Seal settles the point. The date was 22 May, 1722. We have seen that his father, the seventh Earl, did some soldiering in the "'15;" but the son was a professional soldier, saw considerable service, and rose to high rank. He was a Major-General at Dettingen in 1743, had a cavalry command at Rocoux in 1746, and at the time of his death, in 1767, was Commander-in-Chief in Ireland and a General in the Army. It does not seem that in such a career there could be much room for the performance of the duties of Sheriff of two important Sheriffdoms, and so little trace has been found of him in the Court Books of Aberdeenshire, beyond what has been already referred to. No evidence, however, of any subsequent appointment to the office of Sheriff Principal of Aberdeenshire has been found in the Books of Court or elsewhere, and it has therefore been assumed that he was the last to hold that office in the County of Aberdeen. For the abolition of the heritable office of Sheriff Principal of Fife, he claimed £10,000 and was awarded £6,268 16/-

The Sheriffs-Depute

1660-8. THOMAS GORDOUNE.

This Sheriff-Depute, who was in office at the Restoration, continued to act until the infirmities of age and failing sight brought about his retirement in 1668.

1666-8. MAJOR GEORGE KEITHE OF KNOCK.

Although Thomas Gordoune was still acting as Sheriff-Depute, King Charles II. granted the office to Major George Keithe of Knock, for life. The Letter of gift was dated at Whitehall, 10 December, 1664, but was not presented until 3 February, 1666. On that day a Court was held in Aberdeen, when Major Keithe, who was also in possession of a deputation by the Sheriff of the same date as the Royal Letter, presented both the gift and deputation, and was admitted and sworn in by William, Earl Marischal, who presided as Sheriff. Although no mention was made of Thomas Gordoune, he still continued to act, Keithe's appearances on the bench being much fewer than his. Power was given to Keithe to appoint Substitutes, for whom he should be responsible. Keithe was among the Commissioners for levying Taxes in 1661 and 1678, and he was one of the Justices of Peace nominated for Aberdeenshire in 1663.

1668-80. MR. JOHN FORBES, BROTHER GERMAN TO WILLIAM FORBES OF CAMPHELL.

On 27 March, 1668, Mr. John Forbes presented an appointment to the office of Sheriff-Depute, signed by William, Earl Marischal, at Abd. on 19 February preceding, one of the witnesses to his subscription being Robert, Viscount of Arbuthnot. He also produced a Demission of the office, granted by Major George Keithe of Knock in his favor, signed at Mill of Aden, on 1 March of the same year. In neither of these is any mention made of Thomas Gordoune. The Court too, before which Mr. Forbes appeared was one constituted by special commission from the

Earl Marischal, who would appear to have ignored Thomas Gordoune. The Commissioners appointed for the purpose of installing Mr. Forbes, were Sir John Keith of Caskieben, and Alexander and John Scott, Bailzies of Abd., and by them he was admitted and sworn in. Fortified by the Earl's appointment, Mr. Forbes applied for a Crown grant, and on 3 June following he produced judicially in Court a gift by King Charles II., dated at Whitehall, 3 May, 1668.

The narrative was in these terms :—"Considdering that it is fit for the good of our serwice and benefit of our subjects that ane fitt and weell qualified persone be intrusted with the Shreff-deputship of our Shreffdome of Aberdeine and understanding that Thomas Gordoune Shreff deput of our said Shreffdome is become aged and infirme and his sight faillit him whairby he is rendered unable to exerce and sufficientlie to discharge the said office throughout the bounds of our said Shreffdome for suppressing of robberies, insolencies & ryots daylie committit thairin. And that Major George Keithe of Knock our lait Shreff deput there hes submittit [sic] the said office in favours of our lovit Mr. Johne Forbes brother german to William Forbes of Camphell. And now being sufficientlie informed of the abilitie and sufficience of the said Mr. Johne Forbes to exerce the said place & office THAIRFOR" etc., etc. . . . . "With full power to him to injoy and exerce the said place and office sicklike and as frielie in all respects and conditiounes as the said Thomas Gordoune and Major Georg Keithe or aither of them or anie other Shreff deput formerlie officiat the samene within our said Shreffdome of Aberdeine."

Among other powers, Mr. Forbes was authorized to appoint substitutes, for whom he should be responsible.

Mr. John Forbes seems to have played many parts in his time. Master of the Grammar School at one time, thereafter Humanist at Marischal College, subsequently filling the same post at King's College, the last twelve years of his life were spent on the judicial bench in his native county. We are indebted to Thomas Kirke's journal of his tour in Scotland, for the following portrait of Mr. Forbes in July, 1677 :—

"Tuesday, 10th (July), we rode (from Keith) thirty miles over great mountains through great rain, and about eight o'clock we dried ourselves in Aberdeen. Here we took up our rest till Monday, the 23rd July. We had small diversions here: billiards and butts took up some part of our time, and two mountebanks that were there, employed some other part. We met with small civility from the town ; only the Sheriff, Mr. Forbes, was very civil to us: he is a person of great worth, esteemed the

learnedest man in Scotland; he was formerly a regent of the New College here, and was made a choice of to make a speech to the King which he knew not of till past midnight, and the King came by five in the morning, yet he came off with so great applause that His Majesty promised he would prefer him; he likewise entertained the King (as we were informed) with a kind of play, which he dictated to the actors extempore, a thing very wonderful. He has travelled most part of Europe, and has the languages, and is master of a profound memory. He has been Sheriff here above twelve years, and he will undertake to enumerate all the particular trials that have been before him orderly, and tell the chief points therein; he will dictate to four penmen, and write a discourse himself all at the same time; in short, he is a very worthy gentleman, and has been a very good fellow, but the gout does now make him cautious.

"In this country are many hares, for the Sheriff told us that 2500 hare skins were entered in their custom book this last year. While we stayed here we had the fortune to see Meldrum, who was very merry with us.

"Monday, 23rd July, we bid adieu to Aberdeen; the Sheriff, Mr. Elphinston their collector, and one Mr. Seaton accompanying us, and gave us a treat at a little house on the South side the great bridge; the Sheriff rode three or four miles with us and parted; the other two went on further."

Mr. Forbes' death took place in August, 1680.

1677-82. Charles Maitland (afterwards Sir Charles Maitland of Pitrichie).

In the Royal Commission, appointing him conjunct Sheriff-Depute with Mr. John Forbes during the life of the latter, and sole Depute after his death, dated 25 October, 1677, Charles Maitland is designed "secound lawfull sone to the deceast Sir Richard Maitland of Pittrichie ane of the Senatores of the Colledge of Justice." Here again it may conduce to clearness as well as brevity, if a quotation is given from the Commission which was presented at Aberdeen on 14 December, 1677:—

"We considering that our right trustie cousing Alexander Earle of Dumfermling Lord Fyvie & Urquhart etc Shirreff Principall of the Shirreffdome of Aberdeen hathe by his letter patent daited at Edr. the twentie thrid day off August 1m vic and seventie seven yeares Nominated and appoynted Charles Maitland secound lawfull sone to the deceast Sr. Richard Maitland of Pittrichie ane of the senatores of the Colledg of

Justice to be conjunct Shirreff deput with Mr John Forbes present deput of the Shirreffdome of Aberdeen dureing all the dayes of the said Mr John his lyftyme and after his deceas sole deput of the sd. Shirreff-ship dureing the said Charles his lyftyme The said Mr John haveing by his consent under his hand directed to the said Earle of Dumfermling Intreated and desyred him sua to doe. Lykas the said Earle did therby condiscend and consent that the said Charles Maitland should obteane from us ane deputatione of the said Shirreffshipe in maner and dureing the space above set doune. And we understanding the good affection of the said Charles Maitland for doeing us service and that he is sufficientlie indued with knowledge and experience for exerceing of the said office off Shirreff deput within the said Shirreffdome of Aberdeen THAIRFORE" &c., &c. [Among other powers the following was conferred.] "Substituts if neid beis in the sd. office with officers serjands dempsters and all other members of Courte necessare to make create and ordeane for whom he shall be answerable. (Reserving alwayes out of this our present gift and deputatione full power to our Secretarie of State of our said Kingdome off Scotland to nominate ellect and establishe the Shirreff Clerk off the forsaid shirreffdome als fullie in all respects as any other our Secretarie did or might have done before in this or any other Shirreffdome of Scotland)."

According to Dean Temple's Thanage of Fermartyn, Sir Richard Maitland, Lord Pitrichie, died in 1678, but his son's Commission proves that his death had taken place before October 1677.

Lord Pitrichie's elder son, Sir Richard, the 2nd Baronet, survived his father only a very short time, and was succeeded by the subject of this notice as 3rd Baronet. Accordingly in August, 1680, we find him, as Sir Charles Maitland of Pitrichie, protesting that he had sole right to the office of Sheriff-Depute which, however, he demitted on 21 April, 1682. He subsequently represented the County in Parliament.

His death took place in 1700.

1680-2. MR. WILLIAM MOIR OF HILTOUNE, ADVOCATE.

It may have been observed that the date of the Crown appointment of Sir Charles Maitland of Pitrichie (then Charles Maitland) as Sheriff-Depute, on the nomination of the Earl of Dumfermling, was 25 October, 1677, while that of Lord Erroll as Sheriff Principal was 27 October, or two days later. So long as Mr. John Forbes lived, the new Sheriff Principal seems to have allowed matters to rest: but immediately after

his death he proceeded to appoint Mr. William Moir to be conjunct Sheriff-Depute with Sir Charles Maitland, and to succeed him if he should be the survivor. The Earl bound himself not to grant any other deputation during Mr. Moir's lifetime, and farther consented to his nominee purchasing a Ratification or a new Deputation from the Crown. The date of the Commission was 25 August, 1680, and it was presented on 26 August, when the Earl himself admitted his nominee. On the former of these days Sir Charles Maitland had appeared in Court and solemnly protested that he and he alone was entitled to the office, and from various entries in the month of September following, it is obvious that there was a keen difference of opinion over the competing claims thereto.

Although on 7 September, 1680, the Sheriff Principal ordered the Courts of the Sheriffdom to be fenced in his own name and in those of Maitland and Moir, the latter does not appear to have taken almost any part in the judicial work.

On 10 November, 1681, Mr. Moir, at the special request of Lord Erroll, demitted his office by a Deed of Demission, signed at Slains in presence of William Gordoune, the Sheriff Clerk for the time, but which was not presented in Court and recorded, until 21 April, 1682.

Mr. Moir was Commissioner for the Burgh of Kintore in the Scottish Parliament, 1667-73, and as such had on one occasion a somewhat unpleasant experience. On 5 July, 1672, an Act was passed for a supply of £864,000 Scots for the King's service. During the sitting, Moir was said to have uttered some words "tending to the subversioun of the Constitution of Parliament," for which he was sent to prison in the Tolbooth of Edinburgh, during the Lord Commissioner's pleasure. Five days later he was, on his own petition, brought to the bar, and having there, on his knees craved pardon, he was released from prison and allowed to resume his seat in Parliament.

The arms of Wm. Moir of Hiltoune were among those emblazoned on the roof of the "principals chamber" in Marischal College, between 1682 and 1700,[1] and either he or his predecessor, as proprietors or wadsetters of Hiltoune, were liable in payment of the annual rent of £13. 6s. 8d. Scots, from the lands of Little Arnage, embraced in the Royal grant to the Earl Marischal in 1592.

[1] The fact of Mr. Moir having been Commissioner for Kintore suggests intimate relations with the Keiths, which might account for the otherwise unexplained prominence given to his coat of arms at Marischal College.

Officials: Sheriffs-Depute

1682-1708. ANDREW FRASER OF KINMUNDIE.

As has been already noted, the Demission of Mr. William Moir was presented and recorded in the Sheriff Court Books on 21 April, 1682. On the same day there was put on record, a Commission by the Earl of Erroll in favor of Andrew Fraser of Kinmundie, as sole Sheriff-Depute for life, reserving Sir Charles Maitland's rights under his gift from the Crown. By the deed, power and liberty were however given to Fraser "to transact and agree with the said Sir Charles for the said gift and obtaine right therof in his persone either by resignatione or dispositione by the said Sir Charles in favors of the said Andrew Fraser," and the Earl also agreed that Fraser might apply for a gift from the Crown, and promised "never to come in the contrair thereof." The clause of warrandice was from fact and deed, and the document was signed at Edinburgh on 30 January, 1682, one of the witnesses being William Gordoune, the Sheriff Clerk. Fraser's negotiations with Sir Charles bore fruit, for on 21 April, there was signed by the latter and recorded, a Demission by Maitland in favor of Fraser, which bore to be granted for onerous causes, contained a clause of warrandice from fact and deed, and a consent to Fraser's applying for a Crown grant of the office. The Diet Book next contains a judicial record of the resignation of Sir Charles Maitland, and of the admission of Fraser.

The first event of importance in Fraser's judicial career was the resignation of his patron Erroll, and the appointment of Sir George Gordon, the Lord Chancellor, which took place, as we have already seen, in October, 1682, but there is no indication of any interference by the new Sheriff with Fraser's position, and although the Diet Books from 2 January, 1684, to 12 September, 1690, have unfortunately been lost, it has been possible to ascertain from other volumes that he remained in undisturbed possession of the office until the first week of January, 1685. Up to this time his right to the office stood merely upon the appointment of Lord Erroll, who had resigned in 1682, and he had never obtained either a confirmation of the Sheriff's gift, or a fresh gift from the Crown. In these circumstances a pushing young highlander, Mr. Aeneas McPherson of Invereshie, a member of the Scotch bar, succeeded in getting a gift from the Crown. The history of his doing so will be found in his own words, in a brochure entitled "The

Patron turned Persecutor," which has been issued as part of Volume XLI. of the Scottish History Society, edited by Canon Murdoch, to whom the writer supplied the information from the Sheriff Court Books, which he put to excellent use in the introductory part of the volume.

According to such books as are available, Fraser virtually dropped out of sight from 1 January, 1685, to May, 1686, his place being taken, first by McPherson, and then by Andrew Thomson, Advocate in Aberdeen, to whom Lord Erroll, once more Sheriff, granted a deputation dated 9 and recorded 10 July, 1685. On 9 April, 1687, Kinmundie succeeded in getting his first Crown Commission, which was followed by another after the Revolution, dated 2 January, 1690, a third in conjunction with George Keith of Clackriach in 1700, and a fourth in conjunction with Mr. John Elphinstone, Younger of Logie, in 1707. His death seems to have taken place in 1708, his last recorded sitting being on 6 August of that year.

The lands of Kinmundie from which Andrew Fraser took his designation, were those situated in the Parish of Longside and County of Aberdeen.

1684-5. Mr. (afterwards Sir) Æneas McPherson of Invereshie.

In a short autobiography and in a letter entitled "The Patron turned Persecutor," both reproduced, as already mentioned, in the volume XLI. of the issues of the Scottish History Society, edited by the Rev. Alexander D. Murdoch, F.S.A. Scot., there will be found Mr. McPherson's own account of his seeking for, obtaining, and ceasing to hold, the office of Sheriff-Depute of Aberdeenshire. The date of his Commission from the Crown was 15 October, 1684, but unfortunately the Diet Books and Books of Decrees for the period are awanting, so that there survives no account of his installation, nor is it possible to affirm that the entries in the Register of Deeds, beginning on 9 January and ending on 15 July, 1685, bearing that deeds were presented in his presence, really prove that fact. His own account of his insisting on getting power to appoint a substitute, in order that he might be able to reside and practice at the bar in Edinburgh, rather incline one to the belief, that after Andrew Thomson's appointment as his substitute, on 9 January, 1685, Mr. McPherson did not personally attend much to the duties of the office.

In a Book of Judicial Enactments there are, however, a couple of entries dated 22 April and 14 May, which bear that he presided in Court, and these may be taken to prove the fact that he did so.

Mr. McPherson was connected with the county of Aberdeen through his mother, who was the daughter of Robert Farquharson of Invercauld and Wardes, under whose care he was brought up and educated at Aberdeen. The date of his birth is set down as 1644, of his call to the bar (after practising as a writer) as 1683, and of his death as 1705.

1685-6. Andrew Thomsone, Advocate in Aberdeen.

The date of Andrew Thomsone's admission as an Advocate in Aberdeen, is given in the List of the Society of Advocates as 1656. The Books of Court evidence, that before 1680 he was in large practice. Previous to 1685, he appears to have acted during the terms of office of both Maitland of Pitrichie and Fraser of Kinmundie, but no appointments have been found. Presumably he was in those years rather a Substitute than a Depute, and when Mr. Aeneas McPherson for a time ousted Fraser from the Deputeship, he granted (9 January, 1685) a Substitution to Thomsone. On 9 July of that year, however, the Sheriff Principal, Lord Erroll, signed at Slains a Commission, appointing Thomsone Sheriff-Depute during his Lordship's pleasure. This Commission was presented on 10 July, at a Court bearing to be presided over by the Earl, and on 15 July four deeds were given in for registration, of which three were said to be presented in presence of Thomsone, and one in presence of McPherson, whose name then appeared for the last time.

As already mentioned, Thomsone sat along with the Sheriff Principal on 6 October, 1685, at the service of the Earl of Aboyne, and his name has been found in the Sederunts of the Court until the middle of December, 1686.

1699-1707. George Keith of Clackriach, Advocate in Aberdeen.

On 28 June, 1699, two documents relating to the office of Sheriff-Depute were signed at Slains Castle. One of these was a Demission of

the office at that time held by him, granted by Fraser of Kinmundie, part of which may be suitably reproduced verbatim in this place.

"Be it known to all men be thir present letters Me Andrew Fraser of Kinmundy Shirref deput of Aberdein Shyre For so meikle as I am of considerable age and in respect of sundry of my necessary affairs I am oblidged sometymes to goe south and for severall other reasones causses and considerations I am willing ane conjunct be admitted with me in the sd. office of Shirref deputship Therfor witt ye me to have dimitted resigned and renounced Lyke as I be thir presents dimitt resigne renounce and overgive All and Haill my said office of Shirref deputship of Aberdein with the haill dignitties liberties immunityes emoluments fies casualties and profitts belonging therto and all right title entres and clame of right I cane pretend therto in the hands of ane noble Earle John Earle of Erroll Lord Hay and Slaynes high Constable of Scotland Shirref principall of Aberdein in favours and for a new gift therof to be granted to me and George Keith of Clackriach Advocat in Aberdeen conlie. & seallie. the longest liver of us two to be Shirref deputs of the sd. shyre and upon the decease or dimission of ane of us the other surviveing to have the sole exercis and jurisdiction of the said office and right to the wholl profitts and casualties therto belonging dureing all the dayes of his lyfetyme."

The other document was a Commission by the Earl of Erroll, as Sheriff Principal, proceeding upon Fraser's Demission, appointing him and Keith conjunctly, to be Sheriffs-Depute in the terms above quoted. It contained a power to appoint Substitutes and other members of Court, except the Sheriff Clerk and Fiscal, a consent to an application for a Crown Ratification or Commission, a clause of warrandice from fact and deed, and a Commission to Mr. Alexander Thomson, Commissary Depute of Aberdeen to admit the new Sheriffs-Depute and to take their oaths.

On their side Fraser and Keith bound themselves to relieve the Earl of "the exchequer equies payable be the heretors of the sd. Shirrefdome and of all other dewes relateing to the said office after ther entry therto."

On 1 April, 1700, a Ratification of the Earl of Errol's Commission, with a confirming grant of the office, was signed with the Privy Seal at Kensington, and on 8 June thereafter registered at Edinburgh. At a Court held at Aberdeen by Mr. Alexander Thomson, Commissary Depute (designed of Portlethen), on 19 June, the whole of the documents were produced, and Fraser and Keith admitted in terms thereof, and the necessary oaths administered to them.

Keith resigned the office he held in conjunction with Fraser, in 1707, and died between October, 1710, and May, 1711. He held the office of Sheriff-Substitute both before and after his term of office as Sheriff-Depute. According to the list of Advocates in Aberdeen, Keith became an Advocate in 1680.

1706-12. Mr. John Elphinstone, Younger of Logie, Advocate.

George Keith of Clackriach having resigned, Mr. John Elphinstone, Younger of Logie, Advocate, was appointed to be conjunct Sheriff-Depute along with Fraser of Kinmundy during their joint lives, and sole Sheriff-Depute after the latter's death, should he survive him, which he did. The Commission, which was granted under the Privy Seal of Queen Anne, was dated at Kensington 30 April, 1707, and written to the seal and registered 29 August the same year. No antecedent or concurrent Commission by the Earl of Mar as Sheriff, in favor of Mr. Elphinstone has been found; but it is extremely unlikely that the appointment was made without his approval, if indeed it did not proceed upon his recommendation. The Commission contained the usual power to appoint Substitutes and other members of Court, except the Sheriff Clerk. Mr. Elphinstone presented his Commission on 23 September, 1707, and was admitted and sworn by Fraser of Kinmundy; but with the exception of the Michaelmas Court on 30 September thereafter, when he signed, along with his colleague, the sentence of fine of the absent barons, and the Act of Admission of the Earl of Mar under his new Commission, he does not seem to have taken any part in the work of the Court.

Mr. Elphinstone appears to have been the first of the Sheriffs-Depute of the County of Aberdeen who did his work entirely by Substitutes. Of these there were several in succession during his tenure of office, as will afterwards be noted.

1712-16. Patrick Sandilands, Younger of Cottoun.

On 22 April, 1712, at Whitehall, John, Earl of Mar signed a Commission, conferring the office of Sheriff-Depute, during his pleasure,

upon Patrick Sandilands, Younger of Cottoun, who had already been acting as a Sheriff-Substitute under Mr. Elphinstone, whom he now succeeded. The Diet Book, which contains a copy of this Commission, and of a second Commission, dated 22 January, 1713, contains no reference to any subsequent Crown Grant. The usual powers were conferred upon Sandilands, who performed the duties of the office for the most part personally, until 1716, his last recorded appearance being on 6 January of that year. On that occasion there were given up on behalf of William Weems, Merchant in Inverness, the Tutor (at one place called Nominate, and at another Dative), of Sir William Gordon of Lesmoir, three Inventories of the said Sir William's means and estate.

1716-28. Mr. Alexander Garden, Younger of Troup, Advocate.

The Earl of Rothes signed at Leslie on 14 August, 1716, a Commission as Sheriff-Depute, in favor of Mr. Alexander Garden, Younger of Troup, Advocate. The Commission was written by a clerk in the office of William Horsbrugh, Sheriff Clerk of Fyfe, and was witnessed by Mr. Alexander Bruce, Younger of Kenneth, Mr. Archibald Arnot, Surgeon in Kirkaldie, and Mr. James Angus, Governour to the Earl's children. The Commission was to remain in force until recalled by a writing under the hand of the Earl, who presided in Court on 30 August, and admitted his newly appointed Depute.

On the death of the 7th Earl of Rothes, his successor, in virtue of the powers conferred on him by his Commission, reappointed Mr. Garden as Sheriff-Depute. It is interesting to note that he signed two Commissions, the one at Leslie on 18 June, 1722, and the other at Edinburgh on 4 September thereafter. The second of these was more in accord with the style in use in Aberdeenshire; but the really important difference between the two was, that in the earlier (which was written and doubtless drawn by William Horseburgh, the Sheriff Clerk of Fifeshire), Regalities and Stewartries within the Sheriffdom were excluded, while in the second there was no such exception. That this was the reason for the issue of a second Commission, is made clear by the terms of the

explanatory statement engrossed in the Minute Book on 2 October, when it was presented and recorded.

No trace of a Crown Commission has been found in the Diet Book.

In order to cure any difficulty about the validity of citations and executions thereof, given during the interval between the death of one Sheriff and the appointment of another, it was agreed to by the Sheriff-Substitute and all the procurators, and minuted in the Diet Book on 27 June, that no objection should be taken thereto.

Like his predecessor, Mr. Elphinstone, Mr. Garden was an absentee judge. He was no sooner appointed than, on the narrative that in respect of his "other necessar affairs" he could not "conveniently attend the sd. office," he proceeded to appoint a Substitute. His name has been observed as presiding in Court on one occasion only, and that was at a vacation Court in August, 1728.

Mr. Garden was Civilist at King's College from 4 November, 1717 until 6 April, 1724, when, according to *Orem*, he parted with the office for a consideration. If it is permissible to read between the lines of the terms of the appointment of his successor,[1] Garden was an absentee Professor, as well as an absentee Sheriff-Depute.

1728-41. WILLIAM FORBES.

On 15 April, 1728, William Forbes, designed "Armiger" in the Latin Commission appointing him, took his seat as Sheriff-Depute. The grant of the office to him was dated at St. James Palace 11 March, and registered in Edinburgh on 9 April, 1728. The office was conferred on him during the Royal pleasure only; but with the usual powers. He continued to act until the first week of May, 1741, and, in marked contrast to his predecessor, he performed the duties of his office personally, for the whole thirteen years. It is true that there was always a Sheriff-Substitute, who could be called upon to act in case of emergency, but the instances in which Forbes did not preside in Court were very few and far between. Four Diet Books, and two Books containing a full record of summary Criminal Trials, abundantly prove both his diligence and zeal, which the writer—his great-great-great-grandson—draws attention to, with no little satisfaction.

[1] King's College: Officers and Graduates (P. J. Anderson), pp. 32, 33.

Mr. Forbes was the first Sheriff-Depute who was styled "Esquire," and his name was never mentioned in the Books without that affix, or its Latin equivalent.

1741-8. ALEXANDER GRANT OF GRANTSFIELD.

We now come to the last Sheriff-Depute under the system which obtained previous to the abolition of Heritable Jurisdictions in 1748.

On 7 January, 1724, the subject of this notice, designed as Captain Alexander Grant, had a Disposition of the Lands and Barony of Ballogie and others, in the parish of Midmar, from John Forbes, whose father, Alexander Forbes, had a Charter under the Great Seal on 13 July, 1681. On 13 February, 1727, Captain Grant obtained a Charter under the Great Seal, the name of the lands being changed to Grantsfield. Upon this Charter he was infeft, conform to Sasine dated 27 April and registered at Aberdeen on 18 May, 1727. At the Michaelmas County Meeting on 30 September, 1729, Captain Grant produced his Crown Charter and Sasine, and his name was added to the list of Barons entitled to vote for the election of Members of Parliament for the County.

On 6 May, 1741, Grant presented a Crown Commission appointing him Sheriff-Depute during the Royal pleasure, dated at St. James Palace 24 April, 1741, and written to the Seal, and registered on 4 May thereafter. After his Commission was read in Court, he qualified for office by taking all the necessary oaths before the Justices of Peace assembled in Quarter Sessions. Although his Commission bore expressly that he was Sheriff-Depute, he immediately assumed and used the title of Sheriff, and when he appointed substitutes he styled them Deputes.

The ordinary work of the Court was not attended to by Sheriff Grant during his tenure of office, but by those to whom he deputed it, and his name does not appear frequently in the Books of Court.

In the Albemarle papers[1] there is a letter under date 8 August, 1746, from Sheriff Grant to the Lord Justice Clerk, containing a most lamentable complaint that on the previous morning his house had been surrounded by a company of soldiers of Brigadier Fleming's regiment, who searched it for rebels and ill-used and robbed some of his tenants.

[1] Albemarle Papers (Terry), I. p. 82.

Officials: Sheriffs-Depute

Considering that James Petrie, Advocate in Aberdeen, whom Sheriff Grant appointed his Substitute in 1744, had read the Pretender's Proclamation at the Market Cross on 25 September, 1745, it is not surprising that he was under suspicion, or that Lord Albemarle considered him to be a Jacobite at heart.[1]

What is now called Midmar Castle, was in Captain Grant's time called Grantsfield Castle, and he signed Commissions there on 1 December, 1741, and 8 May, 1744. On the first of these occasions one of the witnesses was Lieut. Hugh Grant, of Col. Cholmondley's regiment, while Francis Gordon, of Milne of Kincardine, was a witness on the second occasion.

On 19 January, 1767, the lands of Grantsfield were sold to James Davidson, Merchant in Aberdeen, and after various changes of ownership, were purchased on 15 May, 1843, by Lieut.-Col. Gordon of Cluny, who, passing over the names of Ballogie and Grantsfield, caused to be inserted in his title the more ancient name of Midmar.

[1] Albemarle Papers (Terry), I., pp. 357-8.

The Sheriffs-Substitute

1681-2. JOHN GORDON OF WRANGHAM.

From November, 1681, to February, 1682, John Gordon of Wrangham officiated as Sheriff-Substitute. He is expressly designed "Substitutus," and must have held a temporary appointment from Sir Charles Maitland of Pitrichie, although nothing of the kind has been found recorded in the books.

1688-90. GEORGE KEITH OF CRICHIE.

Afterwards a Sheriff-Depute and designed "of Clackriach." No Commission has been found at this time; but Keith was designed "Substitute" in the Sederunts.

1691. ALEXANDER FRASER, ADVOCATE IN ABERDEEN.

Fraser received on 2 July, 1691, a Commission from Andrew Fraser of Kinmundie to act during his absence. He had been an advocate since 1671.

1699. Mr. ROBERT PATERSONE, ADVOCATE IN ABERDEEN, AND COMMISSARY.

Andrew Fraser of Kinmundie appointed Patersone his Substitute, during his absence in Edinburgh for some time. The witnesses to the Commission, which was dated 10 July, 1699, were George Keith of Clackriach and Mr. Thomas Hay, the Sheriff Clerk.

Mr. Patersone was returning officer at the election of a Civilist at King's College, on 8 June, 1743, when James Cattanach, Advocate in Aberdeen, and Charles Hamilton Gordon, Advocate, were the Candidates.

1708. CAPTAIN JOHN STUART OF DENS.

On 21 September, 1708, Mr. John Elphinstone, Younger of Logie, the Sheriff-Depute, signed at Aberdeen, a Commission appointing Captain John Stuart of Dens to be his Substitute, during his pleasure. On 5 October following, Captain Stuart appeared in Court, accepted office, and was sworn; but there is no trace of his having acted. Among the witnesses to the signing of the Commission were Mr. James Ferguson, Advocate, Mr. Archibald Forbes of Puttachy, and Peter Smith, Procurator Fiscal.

1708-9. JOHN PATON, YOUNGER OF GRANDHOME.

On 29 October, 1708, Mr. Elphinstone signed, at Edinburgh, a Commission appointing George Paton of Grandhome and John Paton, Younger thereof, his son, conjunctly and severally, to be his Substitutes, during his pleasure. The elder Paton does not appear to have accepted, but his son did so, on 3 November, 1708, and was sworn in. He discharged the duties until the end of July, 1709. Both George and John Paton seem to have been Advocates in Aberdeen.

John Paton was elected Rector at King's College six times, 1728-33.

1709-11. GEORGE KEITH OF CLACKRIACH.

Appointed by Mr. Elphinstone to be his Substitute, the subject of this notice now took judicial office in the County for the third time. His Commission was signed by Mr. Elphinstone at Edinburgh, on 22 July, and he took his seat on 30 July, 1709. Mr. James Ferguson, Advocate, of Pitfour, and Mr. Arthur Forbes of Shives were witnesses to the signing of the Commission.

1710-12. PATRICK SANDILANDS, YOUNGER OF COTTOUN.

On 28 January, 1710, Sandilands presented a Commission, dated Edinburgh 23 January, appointing him conjunct Sheriff-Substitute with Keith of Clackriach in "Civill Actions." After the death of Keith, Sandilands received another Commission in the usual terms, dated 14 May, 1711, and he continued to act as Sheriff-Substitute until he was appointed to the higher office by the Earl of Mar in April, 1712.

1713. MR. ALEXANDER THOMSONE OF PORTLETHIN, ADVOCATE IN ABERDEEN.

A Commission was granted to Mr. Thomsone by Sandilands to act as his Substitute in his absence.

Mr. Thomsone was Dean of Faculty at Marischal College in 1714 and several years following.

1716-22. CAPTAIN FRANCIS FORBES.

On receiving the appointment of Sheriff-Depute from the Earl of Rothes, Mr. Garden, Younger, of Troup appointed Captain Francis Forbes to be his Substitute. His first Commission was dated at Aberdeen, 3 September, 1716, and his second (on the accession of a new Sheriff Principal) at Edinburgh on 26 September, 1722. The last occasion on which he is noted as having been in Court was on 24 October of the same year, when Alexander, Lord Pitsligo, James Forbes of Putachie, Mr. Alexander Thomsone of Portlethin, and George Keith, Advocate in Aberdeen, as Curators of Sir William Forbes of Monymusk, gave up Inventories of the Minor's means and estate.

1722-7. MR. ALEXANDER THOMSONE OF PORTLETHIN.

A Commission, dated at Edinburgh 12 October, 1722, was produced in Court on 24 October. By it Mr. Garden appointed Mr. Thomsone his sole Sheriff-Substitute. His last appearance on the bench under this Commission seems to have been on 15 February, 1727.

1722-4 ROBERT STEWART, MERCHANT AND LATE PROVOST OF ABERDEEN.

At a Court presided over by Sheriff-Substitute Thomson, on 19 December, 1722, a Commission by Mr. Garden, dated 23 November preceding, in favor of ex-Provost Stewart was presented, and he was sworn and admitted. He appears to have acted concurrently with Thomson until he was re-elected Provost in the latter half of 1724.

Officials: Sheriffs-Substitute

1727-37. Mr. James Udny, Advocate in Aberdeen.

Mr. James Udny, who became an Advocate in Aberdeen in 1709, presented his first Commission as Sheriff-Substitute on 17 February, 1727. Mr. Garden signed it in Edinburgh (apparently at the Royal Coffee House), on 13 February. All former Substitutions were recalled by this one, and the office was conferred during the granter's pleasure.

In August of the same year Mr. Udny had a Commission from the Sheriff Principal (the Earl of Rothes), to act as his Depute for performing duties in connection with the Parliamentary Election.

On 20 May, 1728, Sheriff Forbes of new appointed Mr. Udny as his Substitute, in virtue of which he appears to have held office until July, 1737.

Mr. Udny's name occurs repeatedly as an Assessor or Procurator at elections at King's College.

1737-41. James Cattanach, Advocate in Aberdeen.

James Cattanach, who became an Advocate in Aberdeen in 1731, received two Commissions as Sheriff-Substitute from Sheriff Forbes, the earlier, dated 28 July, 1737, of a somewhat limited character, and the other dated 15 August thereafter, in usual form.

With a view to his becoming a candidate for the office of Civilist at King's College, Cattanach in 1743, obtained the degree of Doctor of Laws at Marischal College after examination. The result of a dispute over the election to the Chair of Civil Law, was a decision by the House of Lords, that Cattanach had been duly elected, and he held the office from 1745 until his death in 1760. In 1748 King's College conferred upon him the degree of LL.D.

1741-4. John Thain, Advocate in Aberdeen.

Grant of Grantsfield appointed for his first Sheriff-Substitute, John Thain, Advocate in Aberdeen. The Commission was dated 21 May, 1741, and was presented in Court on the same day. It was to endure until recalled in writing, which was done by a Deed of Revocation signed at Aberdeen on 17 April, 1744, in presence of the Sheriff Clerk, and of Doctor James Gordoun of Hilltoun.

Six months after his appointment, Thain made an order of Court that no person should thereafter "during the sitting of the Shirreff Court enter within the Barr at the Clerks table except allenarly the Clerk and his servants under the pain of being punished as the Sheriff shall think proper."

Thain became an Advocate in Aberdeen in 1724.

1744-5. JAMES PETRIE, ADVOCATE IN ABERDEEN.

After revoking the appointment of John Thain, the Sheriff-Depute granted, on 8 May, 1744, a Commission to James Petrie, a very junior member of the local bar, which he had joined only in the previous year. Notwithstanding this, or possibly because of this, he showed some zeal in bringing about improvements in procedure. In especial, by an Order of Court dated 13 June, 1744, which was signed by him and all the members of the bar, he established Process Caption, and the incarceration of procurators for not returning processes in due course.

Perhaps, however, the name of this Sheriff-Substitute is best remembered by his having read the Pretender's Proclamation at the Market Cross on 25 September, 1745. As not one single volume has come down to us from the years 1745 and 1746, it is impossible to say whether any notice of this found its way into the records of the Court. By an examination of the recorded Deeds and Protests for these years one by one, it has been ascertained that a Deed was said to have been lodged "in presentia Petrie" on 23 September, 1745, but that afterwards the name of Sheriff Grant was invariably used.

It may be added that Petrie took the Oaths of Allegiance and Abjuration on his appointment as Sheriff-Substitute, in presence of Alexander Bannerman of Frendraught and Dr. James Gordon of Hiltoun as Justices of the Peace, and again on 14 April, 1748, before the then Sheriff-Depute, to enable him to follow his profession.

1746-7. JOHN CLERK, ADVOCATE IN ABERDEEN.

For the reasons given in the preceding notice, no record of the appointment of John Clerk as a Sheriff-Substitute has been found. The first mention of his name in this capacity is upon a Deed recorded on 9

April, 1746; and from the earliest portion of a Diet Book, beginning on 3 June, 1747, it would appear that he continued to act until 31 July of the latter year.

1747-8. MR. JAMES UDNY, ADVOCATE IN ABERDEEN.

Mr. Udny took office upon this occasion in virtue of a Commission by Sheriff Grant, dated 2 November, 1747, and continued to act until the end of March, 1748.

The Sheriff Clerks

1661-72. MR. JAMES KENNEDIE.

Unless Commissions can be found the Sheriff Clerk is a most difficult official to trace, and in the case of Mr. James Kennedie and his successor, no appointments have been got. The first mention of Mr. Kennedie as Sheriff Clerk has been found at the close of a Special Service, on 19 February, 1662, and the last, in the same way, on 3 January, 1670; but no mention of his successor has been traced until 4 June, 1673. It has, however, been ascertained from the Register of Hornings, etc., at the Register House, Edinburgh, that Mr. Kennedie succeeded Mr. John Campbell between September and November, 1661, and that he ceased to hold office, and was succeeded by Mr. Nicolson, in March, 1672.

The name of Mr. Kennedie designed "Toune Clerk" occurs in an Act of Curatory, on 16 September, 1661. The Minor was Margaret Chalmer, daughter of the late Mr. John Chalmer, Sheriff Clerk. The nearest of kin on the father's side were Mr. James Chalmer, Minister at Cullen, Mr. Wm. Chalmer, Minister at Skeen, and Mr. Kennedie. On the mother's side there were cited Robert Peacock, Merchant, burgess of Aberdeen, Mr. Alexr. Midltoun, Minister of Rayne, and Mr. Thomas Gordon of Kethocksmill.

On 9 June, 1668, Mr. Kennedie, elder, Sheriff and Town Clerk, and Mr. James Kennedie, younger, also called Sheriff Clerk, were admitted burgesses of Abd. The reason for not placing the son on this list is because the father, wherever his name occurs, is designed "Clericus principalis," and the son is never mentioned. It was common in those days to have commissions in favor of father and son, by way of securing the succession to the latter, but as often as not, they were not acted on by the younger grantee.

It is believed that the elder Kennedie was the same person who is mentioned on the list of the Society of Advocates, as having qualified in 1620.

Kennedy the younger was something of a poet,[1] and either the

[1] See "Notes and Queries," 18 May, 1907.

father or the son (probably the latter) was appointed Conservator of the Scottish Privileges in the Low Countries, and was knighted.

1672-8. MR. GEORGE NICOLSON OF CLUNY, ADVOCATE.

As appears from the foregoing notice Mr. Nicolson succeeded Mr. Kennedie in March, 1672.

He was elected Rector at King's College on 13 January, 1673, and Civilist on 7 May thereafter. He was afterwards a Senator of the College of Justice, under the title of Lord Kemnay.

1678-85. WILLIAM GORDONE, CONJUNCT CLERK OF LEITH.

On 27 July, 1678, the Duke of Lauderdale, principal and sole Secretary of State for Scotland, appointed Wm. Gordone, conjunct Clerk of Leith and Gordone his son conjunctly, and the longest liver of them, to be Sheriff Clerks in succession to Mr. Nicolson. The qualifications are thus stated :—

"Knoweing the sd. Wm. Gordone to be ane persone sufficientlie able & qualified for exercing of the sd. office and that he is educating his sd. sone in all wayes may best fitt him for that imployment and of uthers readdie inclinationes thereto & hopefull advances therein wee are weill informed."

No mention of Gordone has been found in the Books after 1683; but his name occurs on a Horning as late as 4 January, 1685.

In 1679, Gordone is designed "of Newtyle," and from a Ratification in the Scots Acts of 1681, it would appear that he had a wadset over that part of Alexander Udny of Udny's lands in Foveran, for 4400 merks. His wife's name was Agnes Blaikburn and their eldest son was John Gordone.

1685. MR. THOMAS HAY.

The only trace of Thomas Hay at this period is found (6 October, 1685), in the recorded copy of the Earl of Aboyne's service already referred to, as having been presided over by the Earl of Erroll. After

stating the dating and sealing by the jurors, there follow the words, "ac per me Thomam Hay, Clericum principalem ejusdem [vicecomitatus] subscriptum."

1686-8. JAMES OGILBIE OF BANKHEAD.

The name of this James Ogilbie is first found in the Books of Court as principal Sheriff Clerk, on 10 November, 1686, but in the Register of Hornings he is first mentioned on 6 March of that year, and last on 11 February, 1688.

1688-1736. MR. THOMAS HAY.

Mr. Hay had already enjoyed a short tenure of office; but he now entered upon a new term, which was destined to extend to almost half a century.

It appears from subsequent references to them, that on 1 March, 1688, Hay had a gift of the office from the Earls of Murray and Melfort, Secretaries of State, in favor of himself, and his son Colin Hay, who must have been very young at that time.

After the Revolution, on 2 May, 1691, Hay obtained from the Earl of Melvill and the Master of Stair, the then Secretaries of State, another gift, containing a ratification of the former; but as Colin Hay was not referred to in it, he had probably died in the interim.

On 7 July, 1708, the Earl of Mar (who, contrary to the prevailing rule, had by his Commission power to appoint Clerks), signed, at Edinburgh, a Commission, whereby he appointed Mr. Thomas Hay, and Alexander Hay, his eldest son, to the office, conjunctly during their joint lives, and to the longest liver for his lifetime. The narrative about Alexander Hay's education is couched in the precise words which were used of Wm. Gordon's son [*Supra* p. 119]. The right to fees was reserved to Mr. Thomas Hay during his life, and in point of fact the name of Alexander Hay is never found in connection with the office, until his father and he disposed of it in 1736, as after mentioned.

Mr. Thomas Hay acted on various occasions as an Assessor and Procurator at elections at King's College.

1736-48. GEORGE TURNER, ADVOCATE IN ABERDEEN.

Under cover of appointing him their Depute (but really by way of sale), Mr. Thomas Hay, and his son Alexander Hay, passed the office of Sheriff Clerk to George Turner, Advocate in Aberdeen. The Deputation was dated 22 June, 1736, and presented in Court on the following day. It contained a power to Turner to uplift the profits of the office, and to apply them to his own use, without being liable to account for them. The Sheriff-Depute (Wm. Forbes), whose diligence has already been referred to, caused the Hays to lodge all their titles to the office, and made avizandum with Turner's application for admission to next Court day, which was on 25 June. He then pronounced an Interlocutor admitting Turner to the office of Sheriff Clerk, in terms of the Deputation by Mr. Thomas Hay and Alexander Hay, and thereafter in the Books of Court he was styled Sheriff Clerk. If he received any other gift or Commission at that time it has not been found. He remained in office long after 1748, as will be noticed in its place.

The Procurators Fiscal

1660-84. MR. ALEXANDER ROBERTSONE, ADVOCATE IN ABERDEEN.

Mr. Robertson's original appointment has not been found, but there is evidence that he was in office soon after 1660, and he got from Lord Erroll, in 1678, an appointment for life, "or till such tyme as he should committ any fault or enormitie." Sir Charles Maitland of Pitrichie quarrelled this appointment, but apparently without effect.

1690-1. WILLIAM HAY.

There is an absence of evidence as to the office between 1684 and 1690, but it is likely that William Hay held it for at least a portion of that time. He was probably the Advocate in Aberdeen of 1670. His tenure of office was during Lord Erroll's pleasure.

1691-1707. MR. ALEXANDER LESLIE, ADVOCATE IN ABERDEEN.

On the resignation of William Hay, Lord Erroll appointed Mr. Leslie to be Fiscal, during his pleasure. The Commission was signed at Slains, on 27 April, and presented on 1 May, 1691.

Mr. Leslie died in the end of 1706 or beginning of 1707.

1707-16. PATRICK SMITH, ADVOCATE IN ABERDEEN.

On 21 February, 1707, Smith presented a Commission, granted three days before, by Fraser of Kinmundie, with consent of Keith of Clackriach, joint Sheriff-Depute. It was to endure during Fraser's pleasure.

1716-23. JOHN CUTHBERT OF ROSSHALL, ADVOCATE IN ABERDEEN.

This Procurator Fiscal, who was also designed "of Braikenhills," was appointed by Captain Francis Forbes, the Sheriff-Substitute, on 6 October, 1716, and entered on office the same day.

Officials: Procurators Fiscal

1723-7. MR. JAMES UDNY, ADVOCATE IN ABERDEEN.

The first notice of this Fiscal has been found in the sentence of fine at the Yule Head Court of 1723. He continued to act until he became Sheriff-Substitute in 1727.

1727-8. GEORGE WALKER, WRITER IN ABERDEEN.

Mr. Udny, who had just vacated the office of Fiscal and become Sheriff-Substitute, appointed Walker to succeed him, the Commission being dated 23 February, 1727.

1728-9. JAMES IRVINE, ADVOCATE IN ABERDEEN.

Sheriff-Depute Wm. Forbes was no sooner in office than he made this appointment, and Irvine was admitted on 14 May, 1728. He was to hold office during the pleasure of the Sheriff-Depute, but resigned before November, 1729.

1729-43. GEORGE WALKER, WRITER (AFTERWARDS ADVOCATE) IN ABERDEEN.

On 1 November, 1729, the Sheriff-Depute re-appointed Walker, and he continued in office until his resignation in 1743.

1743-4. JAMES PETRIE, ADVOCATE IN ABERDEEN.

Petrie's Commission as Fiscal was signed by Grant of Grantsfield, at Aberdeen, on 19 May, 1743, one of the witnesses being Charles Farquharson of Inverey.

1744-?8. FRANCIS GORDON OF MILN OF KINCARDINE, WRITER IN ABERDEEN.

Gordon's Commission was dated 10 May, 1744, and, as was usual, it was revocable at the pleasure of the Sheriff-Depute, but there is no evidence of another appointment before 1748.

II.—Officials 1748-1907

The Sheriffs-Depute[1]

1748-77 MR. DAVID DALRYMPLE, ADVOCATE.

Advocate, 1743. Sheriff-Depute, 18 March, 1748. Salary, £200 per annum. Commission renewed by Geo. III., 6 March, 1761. Provost of Old Aberdeen, 1756-60. Civilist at King's College, 1763-5. LL.D. (Edinburgh), 1760. Lord of Session, under the title of Lord Westhall, 1777. Married in 1761, Jean, the only daughter of Alexander Aberdein, Younger, of Cairnbulg (Provost of Abd. 1742-3). Died, 1784.

1777-95. ALEXANDER ELPHINSTON OF GLACK, ADVOCATE.

Advocate, 1764. Sheriff-Depute, 5 July, 1777. Salary, £200 per annum. On Mr. Elphinston's death, the Court of Session, upon the Petition of the Sheriff Clerk, appointed Mr. John Pringle, Advocate, one of the principal Clerks of Session, to be Sheriff-Depute *ad interim.* The Court's deliverance was dated 4 December, 1795.

1795-1822. ALEXANDER MOIR OF SCOTSTOWN, ADVOCATE.

Advocate, 1782. Sheriff-Depute, 18 December, 1795. Salary, £250 per annum. Resigned about October or November, 1822.

1822-47. ANDREW MURRAY OF MURRAYSHALL, ADVOCATE.[2]

Advocate, 1803. Sheriff-Depute, 25 November, 1822. Salary, £400 per annum. Died, 1847.

1847-8. JOHN THOMSON GORDON, ADVOCATE.

Advocate, 1835. Sheriff-Depute, 16 February, 1847. Salary, £400.

In the following year, Mr. Gordon resigned, on being appointed Sheriff of the Metropolitan County.

[1] The effect of the Act abolishing Heritable Jurisdictions (20 Geo. III. Cap. 43, § § 29-30) was to shelve the Sheriff Principal and to put the Sheriff-Depute in his place.

[2] After 1823 Commissary as well as Sheriff-Depute.

Officials: Sheriffs-Depute

1848-65. ARCHIBALD DAVIDSON, ADVOCATE.

Advocate, 1827. Sheriff[1] of Aberdeenshire, 8 January, 1848. Salary, £400. Resigned on appointment to Midlothian in 1865.

1865-70. ANDREW JAMESON, ADVOCATE.

Advocate, 1835. Sheriff-Substitute of Ayrshire, 1843-5; of Midlothian, 1845-65. Sheriff of Aberdeenshire, 30 October, 1865. Died, 1870.

1870-95. JOHN GUTHRIE SMITH, ADVOCATE.

Advocate, 1855. Sheriff-Substitute of Forfarshire, 1860-70. Sheriff of Aberdeen and Kincardine, 24 November, 1870. Died 1895.

1895. DONALD CRAWFORD, ADVOCATE.

Advocate, 1862. Legal Secretary to the Lord Advocate, 1880-5. M.P. for North East Lanarkshire, 1885-95. Sheriff of Aberdeen, Kincardine and Banff, 27 June, 1895. K.C., 1903.

[1] The Title "Sheriff" in Mr. Davidson's Commission took the place of "Sheriff-Depute," which was not again used.

The Sheriffs-Substitute

1748-63. CHARLES FORBES OF SHIELS.

Appointed by Mr. Dalrymple on 9 May, 1648, during pleasure, at a salary of £40 sterling, "to be paid to him how soon I [Dalrymple] am paid my said salary of Two hundred pounds." The witnesses to the Commission were Thomas Burnet of Kirkhill, Alexander Aberdein of Cairnbulg, Thomas Buchan of Auchmacoy, and the Sheriff Clerk. On the accession of George III., a new Commission, dated 24 March, 1761, was granted, one of the witnesses being Sir Hugh Dalrymple of North Berwick, Bart.

1763-6. ANDREW THOMSON, ADVOCATE IN ABERDEEN

Appointed on the same terms as his predecessor. Advocate in Aberdeen, 1741. Sheriff-Substitute, 17 February, 1763. Died 13 Octr., 1766.

1766-92. ROBERT TURNER, WRITER (AFTERWARDS ADVOCATE), IN ABERDEEN.

Appointed on the same terms as his two immediate predecessors. Among the witnesses to this Commission which was signed at Prestonpans, on 3 November, 1766, were Robert Aberdein of Cairnbulg and James Dalrymple, late Captain of H.M.S. Guadaloup.

Turner's Commission was renewed by Elphinston of Glack, when he was appointed Sheriff-Depute. Died 1792.

1793-9. CHARLES TAIT, ADVOCATE IN ABERDEEN.

Advocate in Aberdeen, 1764. Sheriff-Substitute, 5 November, 1793. Died, 12 March, 1799.

No salary was mentioned in Elphinston's Commission to Tait; but when Mr. John Pringle, as Interim Sheriff-Depute in 1795, gave Tait a Substitution, it bore that he was to be paid the salary allowed to the Sheriff-Substitute by the Lords Commissioners of the Treasury.

Officials: Sheriffs-Substitute

1799-1806. DAVID MORICE, ADVOCATE IN ABERDEEN.

Advocate in Aberdeen, 1764. Sheriff-Substitute, 25 April, 1799. Died, 25 January, 1806, aged 71.

1806-29. ALEXANDER DAUNEY, LL.D., ADVOCATE IN ABERDEEN.

Advocate in Aberdeen, 1776. LL.D. (King's College), 8 January, 1793. Colleague to Dr. Wm. Thom in Chair of Civil Law and Law, 9 January, 1793, and after Dr. Thom's death in 1795, occupant of the Chair until his own death in 1833. Sheriff-Substitute, 1806.

1829-66. WILLIAM WATSON, WRITER TO THE SIGNET

Writer to the Signet, 1820. Sheriff-Substitute, 1829. Mr. Watson was the first outsider appointed as a Sheriff-Substitute in Aberdeen. Upon his Commission were endorsed Minutes of Approval by Lord President Hope and Lord Justice Clerk Boyle.

Mr. Watson was best known as a pioneer in the movement for the establishment of Industrial Schools. He died at an advanced age on 12 May, 1887.

1840-70. JAMES SKELTON, WRITER TO THE SIGNET.

In 1840 a certain number of Parishes in North East Aberdeenshire were constituted into a Sheriff Court District, with a Sheriff-Substitute resident at Peterhead, and Mr. James Skelton (W.S., 1823) was appointed to the post which he held until his retirement in 1870. His death took place in 1882.

1866-83. JOHN COMRIE THOMSON, ADVOCATE.

Advocate, 1861. Sheriff-Substitute of Aberdeenshire, 1866. Sheriff of Ayrshire, 1883-5. Sheriff of Forfarshire, 1885-98. Died, 23 August, 1898.

1870-90. JOHN DOVE WILSON, ADVOCATE.

Advocate, 1857. Sheriff-Substitute of Kincardinshire, 1862, of Aberdeen and Kincardine, 1870. LL.D. (Aberdeen), 1884. Professor of Law, University of Aberdeen, 1891-1901.

Aberdeenshire Sheriff Court

1883-98. WILLIAM A. BROWN, ADVOCATE.[1]

Advocate, 1859. Procurator Fiscal of Lancashire, 1876-83. Sheriff-Substitute, Aberdeen, Kincardine and Banff, 1883-98. LL.D. (Aberdeen), 1895. Died, 1906.

1890-2. PHILIP J. HAMILTON GRIERSON, ADVOCATE.

Advocate, 1880. Sheriff-Substitute of Aberdeen, Kincardine and Banff, at Banff, 1887; at Aberdeen, 1890. Solicitor, Inland Revenue, 1892.

1892. DUNCAN ROBERTSON, ADVOCATE.

Advocate, 1873. Advocate Depute, 1888-92. Sheriff-Substitute, Aberdeen, Kincardine and Banff, at Aberdeen, 1892.

1898-1901. GEORGE WARDLAW BURNET, ADVOCATE.

Advocate, 1878. Sheriff-Substitute of Aberdeen, Kincardine and Banff, at Aberdeen, 1898. Died, January, 1901.

1901. JOHN HENDERSON BEGG, ADVOCATE.

Advocate, 1870. Sheriff-Substitute of Renfrew, at Greenock, 1889-1901, of Aberdeen, Kincardine and Banff, at Aberdeen, 1901.

[1] Mr. Brown's Commission was from the Crown. All his predecessors had been nominated by the Sheriffs.

The Sheriff Clerks

1748-60. GEORGE TURNER OF MENIE, ADVOCATE IN ABERDEEN.

Turner who was in office in 1748, continued to act as sole Sheriff Clerk until 1760.

1760-4 GEORGE TURNER OF MENIE AND ROBERT TURNER, HIS SON.

On the narrative that George Turner of Menie, the Sheriff Clerk, had resigned, Andrew Fletcher of Saltoun, Keeper of the Signet, granted a Commission in favor of the said George Turner and his son, Robert Turner, appointing them to be joint Sheriff Clerks during their joint lives, and the survivor to be sole Sheriff Clerk. The Commission was signed at Edinburgh, on 15 February, 1760. Mr. Fletcher's title was a Crown grant for life, of the office of Keeper of Signet, dated 4 June (old style), 1748, which conferred on him the patronage of all Sheriff Clerkships in Scotland.

Although Robert Turner resided in London, and does not appear to have done any duty in the office of Sheriff Clerk, he qualified for office by taking the prescribed oaths in the Court of King's Bench, at Westminster, on 9 February, 1761.

1764-84. JOHN GORDON OF CRAIG AND JOHN DURNO, WRITER (AFTERWARDS ADVOCATE) IN ABERDEEN.

The Commission to Gordon of Craig and John Durno was signed by Andrew Fletcher, therein designed "of Milton one of the Senators of the College of Justice" as well as Keeper of the Signet, and was dated 14 July, 1764. It proceeded upon the statement that George and Robert Turner had resigned. The date of Durno's becoming an Advocate in Aberdeen is stated to have been 24 July. The appointment was conjunct, with a clause of remainder to the survivor; but was vacated by a Deed of Resignation, dated 10 February, 1784. Durno died 1817.

1784-1800. JOHN GORDON OF CRAIG AND JAMES GORDON, HIS ELDEST SON.

This joint Commission was in similar terms to the others preceding it, and was granted by Henry Dundas of Melville, Principal Keeper of the Signet, on 21 June, 1784. The elder Gordon died in the end of 1799 or beginning of 1800.

1800-52. JAMES GORDON OF CRAIG, ADVOCATE.

James Gordon took the office under the survivorship clause in the Commission of 1784. He had in the interim (1790) become a member of the Faculty of Advocates.

Mr. Gordon died at Craig on 14 April, 1852. According to an obituary notice, the duties of the office during his long tenure of it were almost entirely performed by deputy.

1852-61. NATHANIEL FARQUHAR, ADVOCATE IN ABERDEEN.

Advocate in Aberdeen, 1829. Sheriff Clerk, 6 May, 1852. Died 19 July, 1861.

1861-84. JOHN LIGERTWOOD, ADVOCATE IN ABERDEEN.

Advocate in Aberdeen, 1840-85. Sheriff Clerk, 1861-84. Died abroad.

1884. DAVID LITTLEJOHN, ADVOCATE IN ABERDEEN.

Advocate in Aberdeen, 1865. Sheriff Clerk, 23 December, 1884. LL.D. (Aberdeen), 1903.

The Procurators Fiscal

1748-59. JOHN FRENCH, ADVOCATE IN ABERDEEN.

Mr. French, who had been an Advocate in Aberdeen since 1743, was appointed by Mr. Dalrymple, the Sheriff-Depute, to be Procurator Fiscal of the Sheriffdom, with a salary of £10 per annum, payable out of his own salary of £200. Mr. French died 2 January, 1759.

1759-71. WM. BURNETT, ADVOCATE IN ABERDEEN.

On 17 January, 1759, a temporary appointment was given to Mr. Burnett by Charles Forbes of Shiels, the Sheriff-Substitute, which was followed by the Sheriff-Depute's formal Commission, dated 10 April thereafter. No salary was mentioned: but the new Fiscal was to enjoy the "fees and casualities" belonging to the office. Mr. Burnett became an Advocate in Aberdeen in 1754, and died, 7 March, 1811.

On 18 April, 1768, Mr. Burnett was appointed (apparently in an emergency) a Sheriff-Substitute, when he at once gave a nomination to James McLean, Writer in Aberdeen, empowering him to act as Fiscal, from 25 April to 15 May of that year, or until recalled.

1771-81. WM. BURNETT AND DAVID MORICE, ADVOCATES IN ABERDEEN.

A joint Commission was, on 10 April, 1771, given to Mr. Burnett and Mr. Morice, which was repeated by Mr. Elphinston of Glack, on 29 October, 1777, one of the witnesses on that occasion being Charles McKenzie of Kilcoy.

1781-9. WM. BURNETT AND JOHN MARSHALL, ADVOCATES IN ABERDEEN.

In 1781, Mr. Marshall, who was an Advocate in Aberdeen in 1779, and who died in 1797, took Mr. Morice's place as joint Fiscal.

1789-1805. WM. BURNETT, ADVOCATE IN ABERDEEN.

During this period of office, Mr Burnett seems to have had no colleague: but in 1798 he authorised his son Mr. Thomas Burnett, Advocate in Aberdeen, to sign for him such complaints as required the Fiscal's concurrence, the reason given being that he resided a little way out of town. On 13 December, 1805, he resigned because "he had now grown old and lived out of town."

1805-6. THOMAS BURNETT AND DUNCAN DAVIDSON, ADVOCATES IN ABERDEEN.

Were appointed by the Sheriff, joint Fiscals. Mr. Davidson who had become an Advocate in 1794, only remained in office as Fiscal until April, 1806.

1806-11. THOMAS BURNETT AND JAMES SPALDING, ADVOCATES IN ABERDEEN.

From April, 1806, until May, 1811, the office was held by Messrs. Thomas Burnett and James Spalding. The former, who had become an Advocate in 1796, resigned the joint Fiscalship in 1811.

1811-12. JAMES SPALDING, ADVOCATE IN ABERDEEN.

Mr. Spalding died before May, 1812. He had been an Advocate in Aberdeen since 1801.

1813-22. HUGH FULLERTON, ADVOCATE IN ABERDEEN.

Advocate in Aberdeen, 1804. Procurator Fiscal, 1813-22. Sheriff-Substitute of Kincardineshire, 1832-1846. Died, 1846.

1822-58. WILLIAM SIMPSON, ADVOCATE IN ABERDEEN.

Advocate in Aberdeen, 1813. Procurator Fiscal, 1822-58. Died, 1858.

1858-80 ALEXANDER SIMPSON, JUNIOR, ADVOCATE IN ABERDEEN.

Advocate in Aberdeen, 1848-82. Procurator Fiscal, 1858-80.

Officials: Procurators Fiscal

1880-6. CHARLES DUNCAN, ADVOCATE IN ABERDEEN.

Advocate in Aberdeen, 1854-86. Procurator Fiscal, 1880-6. Died, 1886.

1886-94. GEORGE CADENHEAD, ADVOCATE IN ABERDEEN.

Advocate in Aberdeen, 1848. Mr. Cadenhead, who had been previously Procurator Fiscal for the Burgh of Aberdeen, was appointed to the County in 1886. Resigned, 1894. Died, 1900.

1894 CHARLES WILSON, WRITER TO THE SIGNET.

W. S. 1867. Procurator Fiscal of Aberdeenshire, 1894.

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to

Volumes I., II., III.

Compiled by

Jean E. Kennedy.

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[[1] In the text on p. 58 read *George*, Earl Marischal, for *John*, Earl Marischal.

[2] In Vol. II., p. 529, and in Vol. III., p. 93, read *7th* Earl Marischal in place of *6th* Earl Marischal. Ed.]

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[1] Although the surnames "Melville" and "Melving" were occasionally used to denote the same person, it has been thought best to index them under separate headings.

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NOTE REGARDING IDENTIFICATION OF NAMES.—It would have been difficult, if not impossible for the Index maker, to disentangle and index separately different places with the same name, where there was nothing in the text to fix the particular locality, and this has not been attempted. Such names as Boddom, Crichie, Cults, Haddo, Kinmundy, Pitmedden and others, of which there are numerous instances, will readily occur to any one acquainted with Aberdeenshire Place Names. It was far from easy to fully carry out indentifications of names differently spelled while the matter was gradually passing through the press; but a great deal has been successfully accomplished by Miss Kennedy in this way. In a few instances slips have been made in attempting this, e.g., in identifying Bryxie or Bruxie with Brux, Bethlyne with Bedlam, Cowborty with Cobairdy, and Creuchie and Creauche with Creichie or Crichie.—ED.

Taylor & Henderson, Printers to The King, Aberdeen

TWENTIETH REPORT BY COUNCIL

1906

THE ABERDEEN UNIVERSITY PRESS LIMITED

The New Spalding Club.

The Spalding Club founded 23rd December, 1839.
Reconstituted as The New Spalding Club 11th November, 1886.

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HIS MAJESTY THE KING.

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TWENTIETH REPORT BY THE COUNCIL.

Approved at the Twentieth Annual General Meeting of the New Spalding Club, held on Friday, 28th December, 1906, at 3 p.m.

Since the last General Meeting held on Tuesday, 26th December, 1905, there have been issued to members:—

I.—RECORDS OF THE SCOTS COLLEGES AT DOUAI, ROME, MADRID, VALLADOLID, AND RATISBON. Vol. I.: Registers of Students. (Pp. xii + 339; with the Nineteenth Annual Report by the Council.)

II.—RECORDS OF THE SHERIFFDOM OF ABERDEEN. Edited by Mr. David Littlejohn, LL.D. Vol. II.: Records, 1598-1649. (Pp. xxxii + 541.)

The second volume of the RECORDS OF THE SCOTS COLLEGES will contain accounts of the origin and progress of the Colleges, biographical notes on the students, and many documents bearing on the history of the Scottish Mission (III.).

The third volume of the RECORDS OF THE SHERIFFDOM OF ABERDEEN will cover the period of the Commonwealth's rule in Scotland, and will conclude the work with a very full Index to the immense mass of proper names occurring in the tables of contents and illustrative extracts (IV.).

A large portion of other two volumes is already printed off.

V.—THE HOUSE OF GORDON. General editor: Mr. J. M. Bulloch. Vol. II., to contain:—

(i.) History of the Gordon Family, by Joannes Ferrerius, *circa* 1545. Edited by the Rev. Stephen Ree. Boharm.

(ii.) History of the Gordon Family, by Robert Gordon of Straloch, *circa* 1655. Edited by the Rev. S. Ree.

(iii.) Genealogical Tables of Gordons, by Sir Robert Gordon of Gordonstoun, *circa* 1659. Edited by the Rev. J. M. Joass, LL.D., Golspie.

(iv.) The Gordons of Lesmoir, Crichie, Birkenburn, Terpersie, Leicheston, and Newton. By Captain Douglas Wimberley, Inverness, and Mr. J. M. Bulloch.

(v.) A collation of the numerous Gordon ballads. By the Rev. S. Ree.

(vi.) Biographical notices of Gordons in the British Army, comprising 1374 names. By Mrs. C. Skelton.

VI.—Miscellany of the New Spalding Club. Vol. II., to contain :—

(i.) Summary of Fiars Prices in Aberdeenshire from 1603, with Lists of Jurors. By Dr. Littlejohn, who generously presents this fascicle to the members of the Club.

(ii.) Baptism Registers of S. Paul's Episcopal Church, Aberdeen, from 1720. Edited by Mr. A. Emslie Smith, Advocate.

(iii.) Roll of Burgesses of Aberdeen from 1632 to 1696 (continued from *Miscellany*, Vol. I.). Edited by Mr. A. M. Munro, City Chamberlain.

(iv.) Burial Registers of St. Nicholas Church, Aberdeen, from 1573. Edited by Mr. A. M. Munro.

The programme of the Club also includes the following works approved by the Council :—

VII.—Records of Elgin. Compiled by Mr. William Cramond, LL.D. Vol. II. Owing to Mr. Cramond's continued ill-health, an examination of his collections was made, at the request of the Rev. Professor Cooper, by the Rev. Stephen Ree, who has kindly consented to arrange them and see the book through the press. Mr. Ree reports that Dr. Cramond had planned Vol. II. as under, and that, with the exception of the General Preface (to be contributed by Professor Cooper), and the Index, the following items are ready to go into the printer's hands :—

(i.) General Preface to Vols. I. and II.

(ii.) The Church. This section to embrace :—

1. Extracts from Kirk Session Records, from 1584.
2. Extracts from Presbytery Records.
3. List of Ministers.

(iii.) The School : Grammar School and Sang (or English) School. This section to embrace :—

1. Extracts from Town Council Minutes.
2. Extracts from Presbytery Records.
3. List of Schoolmasters.

(iv.) Inventories of Town Council's Books and Papers.

(v.) List of Provosts.

(vi.) List of M.P.'s.

(vii.) List of Honorary Burgesses.

(viii.) List of Commissioners to Convention of Royal Burghs, with extracts from Convention's Proceedings, and from Town Council Papers.

(ix.) Appendices mentioned in Vol. I.

(x.) Index to Vols. I. and II.

VIII.—Records of Inverness. Edited by Mr. William Mackay, Solicitor. Vol. I. to deal with the Burgh Charters from William the Lion onwards, and the Burgh Court-books from the middle of the sixteenth century.

IX. Folk Music of the North-East of Scotland. Edited by Mr. Gavin Greig, Whitehill, and the Rev. J. B. Duncan, B.D., Lynturk.

X.—Records of Old Aberdeen. Edited by Mr. A. M. Munro. Vol. II., to deal with the Ecclesiastical Records—Kirk-Session, etc.

XI.—The House of Forbes. To be compiled by contributors making themselves individually responsible for the treatment of different branches of the family. General Editor: Colonel Allardyce, LL.D.

XII. Bibliography of the Shires of Aberdeen, Banff and Kincardine. Compiled by Mr. J. F. Kellas Johnstone, and others.

XIII.—Records of the Red, White, Black and Grey Friars of Aberdeen. 1211-1560. To be edited probably by the Secretary of the Club.

Two other works have been suggested to the Council during the past year as suitable for addition to the programme of the Club.

XIV. Selections from the County Records of the North-Eastern District. The Council is of opinion that, should the sanction of the County

authorities be obtained, such selections would be valuable as illustrating many phases of administration now dead or transmuted; and that a Report should be prepared of the amount of material available.

XV.—The Council has been reminded that by the death of Principal Sir William Geddes the *Musa Latina Aberdonensis* which he had planned was deprived of its third and concluding volume and thus remains imperfect. Should the Club agree with the view of the Council that the work ought to be completed, they are not without hope that the services of a competent editor may be secured. It has been ascertained that the late Principal had proceeded no further in his preparation than to draw up a list of the minor local Latin poets of the sixteenth and seventeenth centuries whose writings he intended to include in Vol. III. This list comprised the names of Andrew Aidie, William Aidie, John Alexander, John Barclay, William Blackhall, Robert Brown, Thomas Cargill, Thomas Dempster, Alexander Downie, Robert Downie, Patrick Dun, John Forbes, Alexander Garden, James Gordon, Robert Gordon, William Gordon, Patrick Jamieson, John Johnston, William Johnston, James Keith, John Kemp, James Kennedy, John Ker, William Lauder, James Lawson, David Leech, John Leech, William Leslie, John Lundie, Andrew Massie, William Meston, Gilbert Middleton, Archibald Pitcairn, John Rae, Thomas Reid, George Robertson, Alexander Ross, John Row, James Sandilands, John Sibbald, Archibald Simpson, George Strachan, John Taylor, John Vaus, Robert Watson, Alexander Wedderburn, David Wedderburn, William Wedderburn, Florence Wilson. It will be

remembered that Colonel Johnston, C.B., had presented for the projected volume copies of a photogravure reproduction of Jameson's portrait of his collateral ancestor, Professor William Johnston.

Since the last report was submitted by the Council, ten members of the Club have died: Dr. Charles Angus, Kingseat; Mr. J. P. Bisset, Banchory; Mr. J. P. Edmond, Edinburgh, a Member of the Council; Mr. Henry Wolrige-Gordon of Esslemont, a Member of the Council; Rev. William Gordon, Braemar; Mr. A. W. Ledingham, Aberdeen; Right Rev. A. J. Milne, LL.D., Fyvie; Mr. William Milne, C.A., Aberdeen, one of the Auditors; Mr. James Simson, Edinburgh; Mr. William Watt, Aberdeen.

The places rendered vacant by some of these deaths have, under Rule 9, been filled by representatives of the deceased members, but other vacancies allow the admission of new members. As new members are usually desirous of securing a full set of the Club's publications, it may be stated that although the earlier issues are entirely out of print (as indicated on pp. 14-15), the volumes occasionally come into the market, and the Secretary can usually direct a new member to a source whence they may be obtained.

The Council wish to express their continued obligation to the Society of Advocates for permitting the Annual General Meeting of the Club to be held in the Society's Hall; and to the Curator of the University Library for granting the use of a room for Committee meetings.

DAVID LITTLEJOHN, *C.*

ABSTRACT.

Framed from the Annual Accounts of the Club for the period from 19th December, 1905, to 24th December, 1906.

THE CHARGE.

Assets at close of last account, . .	£1596	15	0	
Subscriptions for year 1906, . . .	411	12	0	
Subscriptions for year 1907, . . .	6	6	0	
Composition for life membership, . .	10	10	0	
Arrears and payments by new members for back volumes, ...	8	8	0	
Interest, ...	55	0	0	
Amount of the Charge, ...				£2088 11 0

THE DISCHARGE.

I. Miscellaneous Accounts Paid.

1906.					
Jan. 19.	C. M. Lawrence: sundries, . .	£0 5 6			
Feb. 24.	Miss M. Craig: transcribing, .	1 2 0			
,, 26.	Rosemount Press: sundries, .	0 6 6			
Apr. 3.	Scottish Record Soc.: subscription,	1 1 0			
,, 4.	Miss J. E. Kennedy: indexing, .	12 12 7			
June 11.	Aberdeen Univ. Press: sundries, .	5 8 3			
Dec. 8.	Edmond & Spark: binding, etc., .	20 3 6½			
,, 20.	Aberdeen Univ. Press: printing, .	20 0 0			
	D. Wyllie & Sons: books, . .	4 4 0			
	Taylor & Henderson: printing, .	166 16 0			
	Edmond & Spark: binding, etc., .	37 8 7			
,, 21.	David Littlejohn, LL.D.: outlays,	17 10 0			
,, 24.	Aberdeen Univ. Press: printing, .	48 14 7			
			£335	12	6½

II. Secretary and Honorary Treasurer.

Secretary's Salary, 1905-1906, . . .	£26 5 0		
Secretary's Postages, 19th Dec., 1905, to date,	8 10 9		
Hon. Treasurer's sundry outlays, including Insurance on paper, etc., . . .	6 2 4½		
		40	18 1

III. Assets as at 24th December, 1906.

Loan to Aberdeen School Board, . .	£350 0 0		
Loan to do. do. . .	300 0 0		
Loan to Aberdeen Town Council, . .	350 0 0		
Seven Deposit Receipts with Town and County Bank Ltd., ...	607 0 4		
One do. do. being Compositions received from ten Life Members, who were surviving on 24th December, 1906,	105 0 0		
		1712	0 4
Amount of the Discharge, equal to the Charge,		£2088	11 0

Note.—The Miscellaneous Disbursements above are allocated as follows:—

I. "Blackhalls."

Packing and carriage,					£10	11	2½[1]

II. "Scots Colleges," Vol. I.

[Paper: paid in 1905.]

Printing,	£48	14	7			
Indexing,	12	12	7			
Binding,	19	10	11			
Packing and carriage,	13	0	2½			
				93	18	3½[2]

III. "Sheriff Court," Vol. II.

[Paper: paid in 1905.]

Printing,	£166	16	0			
Binding,	23	4	0			
Packing and carriage,	14	4	7			
Editor's outlays,	17	10	0			
				221	14	7[3]

IV. "House of Gordon," Vol. II.

Printing,				20	0	0

V. Sundries.

Printing circulars, etc.,	£6	0	3			
Miscellaneous transcribing, etc.,	5	3	2½			
Books,	5	5	0			
				16	8	5½
				£362	12	6½
Deduct: repaid by Dr. A. Morison, being cost of paper paid in 1905, used for "Blackhalls,"				27	0	0
				£335	12	6½

[1] Cost of paper, printing, illustrations and binding paid by Dr. A. Morison.
[2] Together with £20 in 1904 and £82 18s. in 1905: in all £196 16s. 3½d.
[3] Together with £32 18s. in 1905, and cost of additional paper, £45: in all £299 12s. 7d.

RULES OF THE NEW SPALDING CLUB.

(*As approved* 11*th November*, 1886, *and amended* 16*th December*, 1886, 21*st December*, 1894, *and* 29*th December*, 1897.)

1. The objects of the New Spalding Club shall be to promote the study of the History, Topography, and Archæology of the North-eastern Counties of Scotland, and to print works illustrative thereof.

2. The Club shall consist of five hundred [16*th Dec.*, 1886] members, subscribers of one guinea annually: each subscription to be paid on or before the first day of January in each year.

3. The general management of the affairs of the Club shall be vested in a Council, consisting of a President, at least ten Vice-Presidents, and not fewer than forty ordinary members, including a Secretary and a Treasurer: all to be chosen yearly at a General Meeting of the Club, to be held at Aberdeen, in the Month of October, or at such other time within each year as may be found convenient. At all Meetings of the Council seven members shall form a quorum.

4. Immediately after the Annual General Meeting the Council shall elect Acting Committees to carry on the work of the Club.

5. The accounts of the Club shall be audited annually, by two Auditors, to be chosen at the Annual Meeting from among the members.

6. The name of any member in arrear with his annual subscription on the first day of October in each year may be removed from the list of members.

7. Vacancies in the membership shall be filled up according to priority of application.

8. Members may, at any time, compound for all future annual subscriptions, by payment of ten guineas over and above the subscription for the current year; and it shall be in the power of the Council to exempt from subscriptions, annual or other, any member who may present to the Club a work, the printing of which, as a Club publication, has been sanctioned by the Council.

9. Every member shall receive one copy of every volume assigned by the Club to the years for which he has paid subscriptions; and the editor of each work shall receive five additional copies of his work. [The heir, executor

or representative of a member shall have no claim to volumes issued by the Club after the member's death, unless he be admitted a member of the Club in place of the deceased. *21st Dec.*, 1894.]

10. The number of copies printed in each case shall not exceed five hundred and twenty-five, and no copy of any work printed by the Club shall be offered by it for sale; [but it shall be competent for the Editorial Committee to arrange for extra copies not exceeding twenty-five, additional to the five hundred and twenty-five, of any volume considered appropriate, to be placed at the disposal of the University of Aberdeen, which shall refund to the Club the prime cost of such extra copies, and employ them, outwith the bounds of the United Kingdom, as a part of a series of inter-academical publications. *29th Dec.*, 1897.]

11. The Club shall undertake the issue of its books without the intervention of publishers or booksellers.

12. A General Meeting of the Club may be called at any time on presentation to the Secretary of a requisition signed by twenty members; and the above rules may be altered at any General Meeting, provided that the members have received from the Secretary at least fourteen days' notice of the proposed change.

WORKS ISSUED BY THE SPALDING CLUB, 1841-1871.

(*See Seventeenth Report, for* 1903, *pp.* 12-16.)

WORKS ISSUED BY THE NEW SPALDING CLUB, 1887.

1. MEMORIALS OF THE FAMILY OF SKENE OF SKENE, FROM THE FAMILY PAPERS, WITH OTHER ILLUSTRATIVE DOCUMENTS. Edited by William Forbes Skene, D.C.L., LL.D., Her Majesty's Historiographer for Scotland. (Pp. xv. + 269, with six full-page plates. First Annual Report.) 1887. [*Out of print.*]

2. CARTULARIUM ECCLESIAE SANCTI NICHOLAI ABERDONENSIS. Recognovit Jacobus Cooper, S.T.D., in Ecclesia supradicta Presbyter. Tomus prior. (Pp. xix. + 278, with three plates. List of members, 11th November, 1887.) 1888. [*Out of print.*]

7. Do. do. Tomus alter. (Pp. lxvi. + 496, with twelve plates, eight in colour.) 1892. [10*s.* 6*d.*]

3. LACUNAR BASILICAE SANCTI MACARII ABERDONENSIS: The Heraldic Ceiling of the Cathedral Church of St. Machar, Old Aberdeen. Described in Historical and Armorial Detail by William Duguid Geddes, LL.D., and Peter Duguid. (Pp. xix. + 172, with thirty plates, twenty-four in heraldic colours. Second Annual Report.) 1888. [*Out of print.*]

4. FASTI ACADEMIAE MARISCALLANAE: Selections from the Records of the Marischal College and University, 1593-1860. Edited by Peter John Anderson, M.A., LL.B. Vol. I. Endowments. (Pp. xxxi. + 577, with five plates.) 1889. [*Out of print.*]

18. Do. do. Vol. II. Officers, Graduates and Alumni. (Pp. xxii. + 596, with thirteen plates.) 1898. [10*s.* 6*d.*] Fifty copies of pp. 1-77 printed on ordinary paper with separate title-page: "OFFICERS OF THE MARISCHAL COLLEGE AND UNIVERSITY OF ABERDEEN, 1593-1860. Printed at the University Press, 1897."

19. Do. do. Vol. III. Index to Vol. II. Compiled by James F. Kellas Johnstone. (Pp. viii. + 196, with three plates. Eleventh and Twelfth Annual Reports. List of members, 1894-98.) 1898. [10*s.* 6*d.*]

5. SELECTIONS FROM WODROW'S BIOGRAPHICAL COLLECTIONS: Divines of the North-east of Scotland. Edited by the Rev. Robert Lippe. (Pp. lxxxv. + 360, with two plates. Third Annual Report.) 1890. [*Out of print.*]

6. THE MISCELLANY OF THE NEW SPALDING CLUB. Vol. I. (Pp. lxii. + 391. Fourth Annual Report. List of members, 12th December, 1890.) 1890. [*Out of print.*] This volume contains:—

i. Register of burgesses of guild and trade of the Burgh of Aberdeen. Edited by Alexander M. Munro. A few copies printed with separate title-page.

ii. Inventories of ecclesiastical records of N.E. Scotland. Edited by Peter J. Anderson. A few copies printed with separate title-page.

8. THE ANNALS OF BANFF. Compiled by William Cramond, LL.D., Schoolmaster of Cullen. Vol. I. (Pp. xv. + 385, with nine plates.) 1891. [*Out of print.*]

10. Do. do. Vol. II. (Pp. xi. + 498, with eleven plates. Sixth Annual Report.) 1893. [*Out of print.*]

9. MUSA LATINA ABERDONENSIS: Edited by Sir William Duguid Geddes, LL.D. Arthur Johnston. Vol. I. The Parerga of 1637. (Pp. xxiv. + 318, with six plates. Fifth Annual Report.) 1892. [*Out of print.*]

15. Do. do. Vol. II. The Epigrammata and remaining secular Poems. (Pp. lvi. + 308, with nine plates. Eighth Annual Report.) 1895. [*Out of print.*] Sixteen copies of pp. xli-lvi (with alterations and additions) printed on Japanese vellum, with separate title-page: "THE BIBLIOGRAPHY AND PORTRAITS OF ARTHUR JOHNSTON. . . . By William Johnston, M.A., M.D. . . . Printed at the University Press, 1896." (Pp. 28.)

8vo. HAND-LIST OF BIBLIOGRAPHY OF THE SHIRES OF ABERDEEN, BANFF AND KINCARDINE. By Alexander W. Robertson, M.A. (Pp. 133 + iv.) 1893. [2*s.* 6*d.*]

11. OFFICERS AND GRADUATES OF UNIVERSITY AND KING'S COLLEGE, ABERDEEN, 1495-1860. Edited by Peter John Anderson, M.A., LL.B. (Pp. xx. + 399, with four plates.) 1893. [10*s.* 6*d.*] Fifty copies of pp. 1-94 printed on ordinary paper, with separate title-page: "LISTS OF OFFICERS, UNIVERSITY AND KING'S COLLEGE, ABERDEEN, 1495-1860. P. J. A. Printed at the University Press, 1893."

12. HECTORIS BOETII MURTHLACENSIUM ET ABERDONENSIUM EPISCOPORUM VITAE. Edited and Translated by James Moir, M.A., LL.D., Co-Rector of Aberdeen Grammar School. (Pp. xx. + 210, with two plates. Seventh Annual Report. List of members, 30th June, 1894.) 1894. [10*s.* 6*d.*]

13. THE RECORDS OF ABOYNE, 1230-1681. Edited by Charles, 11th Marquis of Huntly, Earl of Aboyne, etc., P.C., LL.D. (Pp. xliv. + 590, with eleven plates.) 1894. [21*s.*]

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